

Judicial Service (Miscellaneous Amendments) Bill

Bill No. 30/2021.

Read the first time on 4 October 2021.

A BILL

i n t i t u l e d

An Act to amend certain Acts in consequence of the establishment of a Singapore Judicial Service and a Judicial Service Commission.

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 is the Judicial Service (Miscellaneous Amendments) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 **Amendment of Interpretation Act**

2. Section 2(1) of the Interpretation Act is amended by inserting, immediately after the definition of “Judge”, the following definitions:

““Judicial Service Commission” means the Judicial Service Commission constituted under the provisions of the Constitution;

“Judicial Service Officer” means an officer in the Singapore Judicial Service;

“Legal Service Commission” means the Legal Service Commission constituted under the provisions of the Constitution;

“Legal Service Officer” means an officer in the Singapore Legal Service;”.

Amendment of Allied Health Professions Act

3. Section 50(1) of the Allied Health Professions Act is amended by deleting the words “employment in the Singapore Legal Service” in paragraph (a)(iii)(B) and substituting the words “employment as a Judicial Service Officer or Legal Service Officer (or both)”.

Amendment of Evidence Act

4. Section 3(7) of the Evidence Act is amended by deleting the words “public officer in the Singapore Legal Service” in paragraph (b) and substituting the words “Judicial Service Officer or Legal Service Officer”.

Amendment of Financial Procedure Act

5. Section 20(2) of the Financial Procedure Act is amended by inserting, immediately before the words “or the Legal Service Commission”, the words “, the Judicial Service Commission”.

Amendment of Legal Profession Act

6. The Legal Profession Act is amended —

- (a) by inserting, immediately before the words “or a Legal Service Officer” in the definition of “lay person” in section 2(1), the words “, a Judicial Service Officer”; 5
- (b) by deleting the definition of “Legal Service Officer” in section 2(1);
- (c) by inserting, immediately before the words “Legal Service Officer” in paragraph (a) of the definition of “relevant legal officer” in section 2(1), the words “Judicial Service Officer or”; 10
- (d) by inserting, immediately before the words “Legal Service Officer” in section 26(1A)(a)(ii), the words “Judicial Service Officer or”;
- (e) by inserting, immediately before the words “or a Legal Service Officer” in section 30(1), the words “, a Judicial Service Officer”; 15
- (f) by deleting paragraph (b) of section 30(5) and substituting the following paragraph:
- “(b) being a Judicial Service Officer or a Legal Service Officer, is dismissed from the Singapore Judicial Service or the Singapore Legal Service, as the case may be.”; 20
- (g) by deleting subsection (6) of section 30 and substituting the following subsection: 25
- “(6) No person may be appointed as a Senior Counsel unless the person has, for an aggregate period of at least 10 years, been one or more of the following: 30
- (a) an advocate and solicitor;
- (b) a Judicial Service Officer;
- (c) a Legal Service Officer.”;

(h) by deleting subsection (1) of section 82 and substituting the following subsection:

“(1) The following persons are officers of the Supreme Court:

5 (a) a person duly admitted as an advocate and solicitor;

(b) a Judicial Service Officer;

(c) a Legal Service Officer.”;

10 (i) by inserting, immediately before the words “and Legal Service Officers” in the section heading of section 82, the words “, Judicial Service Officers”;

(j) by inserting, immediately before the words “Legal Service Officer” in section 82A(1), the words “Judicial Service Officer or”;

15 (k) by inserting, immediately before the words “Legal Service Officers” in section 82A(2), the words “Judicial Service Officers,”;

20 (l) by inserting, immediately before the words “a Legal Service Officer” wherever they appear in section 82A(3), the words “a Judicial Service Officer,”;

(m) by inserting, immediately before the words “Legal Service Officer” wherever they appear in section 82A(4), (5), (6A), (9) and (12)(a), the words “Judicial Service Officer,”;

25 (n) by deleting subsection (8) of section 82A and substituting the following subsection:

30 “(8) A copy of the report must be supplied to the Judicial Service Officer, Legal Service Officer or non-practising solicitor concerned, and to the Attorney-General if the report relates to a Judicial Service Officer or Legal Service Officer.”;

(o) by deleting subsection (10) of section 82A and substituting the following subsection:

“(10) Where the Disciplinary Tribunal finds that cause of sufficient gravity for disciplinary action exists under this section against the person concerned (being a Judicial Service Officer, Legal Service Officer or non-practising solicitor), the Chief Justice may appoint an advocate and solicitor, a Judicial Service Officer or a Legal Service Officer to apply by summons in the same proceedings for an order that the person concerned be struck off the roll, prohibited from applying for a practising certificate, censured or otherwise punished.”;

- (p) by deleting the words “Legal Service Officer from being subject to disciplinary action by the Legal Service Commission” in section 82A(15) and substituting the words “Judicial Service Officer or Legal Service Officer from being subject to disciplinary action by the Judicial Service Commission or the Legal Service Commission (as the case may be)”;
- (q) by inserting, immediately before the words “Legal Service Officers” in the section heading of section 82A, the words “Judicial Service Officers,”;
- (r) by deleting the words “Legal Service Officer who has not less than 10 years’ experience” in section 85(6)(b)(i) and (10)(d) and substituting in each case the words “person who has not less than 10 years’ experience as a Judicial Service Officer or Legal Service Officer (or both)”;
- (s) by inserting, immediately before the words “Legal Service Officer” in section 94A(3), the words “Judicial Service Officer or”;
- (t) by inserting, immediately before the words “Legal Service Officer” wherever they appear in section 98A(1), the words “Judicial Service Officer,”.

Amendment of Medical Registration Act, etc.

7.—(1) The Medical Registration Act is amended —

(a) by inserting, immediately after the definition of “Interim Orders Committee” in section 2, the following definitions:

““lay person” means any person who —

(a) has rendered distinguished public service, or has achieved distinction in any field; and

(b) is not a legal professional or a registered medical practitioner;

“legal professional” means any person who —

(a) has at any time held but no longer holds, office as a Judge or Judicial Commissioner of the Supreme Court;

(b) is an advocate and solicitor of at least 15 years’ standing; or

(c) is a Judicial Service Officer or Legal Service Officer who has in the aggregate at least 15 years of full-time employment in the Singapore Judicial Service or the Singapore Legal Service (or both);”;

(b) by deleting sub-paragraph (iv) of section 50(1)(a) and substituting the following sub-paragraph:

“(iv) a Judicial Service Officer or Legal Service Officer who has in the aggregate at least 15 years of full-time employment in the Singapore Judicial Service or the Singapore Legal Service (or both);”.

(2) Section 2 of the Medical Registration (Amendment) Act 2020 is amended by deleting paragraph (f).

Amendment of Patents Act

8. The Patents Act is amended —

- (a) by deleting the definition of “Legal Service Officer” in section 2(1);
- (b) by inserting, immediately before the words “Legal Service Officer” in section 93(2), the words “Judicial Service Officer or”; and
- (c) by deleting subsection (11) of section 105 and substituting the following subsection:

“(11) A person (being a Judicial Service Officer or Legal Service Officer) does not commit an offence against subsection (1) in respect of anything done, or undertaken to be done, by the person on behalf of the Government.”.

Amendment of Penal Code

9. Section 21(1) of the Penal Code is amended by deleting paragraph (i) and substituting the following paragraph:

“(i) a member of the Public Service Commission, the Judicial Service Commission or the Legal Service Commission;”.

Amendment of Pensions Act

10. Section 12(2) of the Pensions Act is amended by inserting, immediately before the words “or the Legal Service Commission”, the words “, the Judicial Service Commission”.

Amendment of Public Sector (Governance) Act 2018

11. Section 2(1) of the Public Sector (Governance) Act 2018 is amended by inserting, immediately after paragraph (c) of the definition of “public service”, the following paragraph:

“(ca) the Singapore Judicial Service;”.

Amendment of Public Service Commission and Legal Service Commission Act

12. The Public Service Commission and Legal Service Commission Act is amended —

- 5 (a) by inserting, immediately before the words “and the Legal Service Commission” in the long title, the words “, the Judicial Service Commission”;
- (b) by deleting the words “Public Service Commission and Legal Service Commission Act” in section 1 and
10 substituting the words “Public Service (Service Commissions) Act”;
- (c) by inserting, immediately after section 1, the following section:

“Interpretation

15 **1A.** In this Act, “Commission” —

- (a) means the Public Service Commission, the Judicial Service Commission or the Legal Service Commission; and
- (b) includes a personnel board established under Article 110D, 111I or 111Q of the
20 Constitution.”;
- (d) by deleting the words “the duty of the Public Service Commission or the Legal Service Commission (either of which shall be referred to in this Act as the Commission)”
25 in section 2 and substituting the words “the duty of a Commission”;
- (e) by deleting the word “Commission” in the section headings of sections 2, 3, 5 and 6 and substituting in each case the word “Commissions”;
- 30 (f) by deleting the words “between the Commission” in section 3 and substituting the words “between a Commission”;

- (g) by deleting the words “No member of the Commission” in section 4(1) and substituting the words “No member of a Commission”;
- (h) by deleting the words “A member of the Commission” in section 5 and substituting the words “A member of a Commission”;
- (i) by deleting the words “any decision of the Commission or any member of the Commission” in section 6(1) and substituting the words “any decision of a Commission or any member of a Commission”; and
- (j) by repealing section 8.

Amendment of Singapore Academy of Law Act

13. The Singapore Academy of Law Act is amended —

- (a) by deleting the definition of “Legal Service Officer” in section 2;
- (b) by deleting subsection (5) of section 10 and substituting the following subsection:
 - “(5) Every committee or board appointed under subsection (1) must have among its members at least one person who —
 - (a) is a practising advocate and solicitor;
 - (b) has, for an aggregate period of 7 years, been one or more of the following:
 - (i) a practising advocate and solicitor;
 - (ii) a Judicial Service Officer;
 - (iii) a Legal Service Officer; and
 - (c) is nominated by the Council of the Law Society.”;
- (c) by inserting, immediately before the words “Legal Service Officer” in section 14(b), the words “Judicial Service Officer or”; and

(d) by deleting paragraph (b) of section 16(1) and substituting the following paragraph:

“(b) being a Judicial Service Officer or a Legal Service Officer, he or she has been dismissed from the Singapore Judicial Service or the Singapore Legal Service (as the case may be) for misconduct in his or her professional capacity;”.

Amendment of Singapore Armed Forces Act

14. Section 82 of the Singapore Armed Forces Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) The person appointed under subsection (1) must be —

(a) a Judicial Service Officer or Legal Service Officer (or both) of at least 5 years’ service in total; or

(b) an advocate and solicitor of the Supreme Court of at least 5 years’ standing.”.

Amendment of Transport Safety Investigations Act 2018

15. Section 2 of the Transport Safety Investigations Act 2018 is amended by inserting, immediately before the words “or the Legal Service Commission” in paragraph (d)(ii) of the definition of “other proceedings”, the words “, the Judicial Service Commission”.

EXPLANATORY STATEMENT

This Bill seeks to amend certain Acts in consequence of amendments to the Constitution that establish a Singapore Judicial Service and a Judicial Service Commission.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) of the Interpretation Act to insert definitions of “Judicial Service Commission”, “Judicial Service Officer”, “Legal Service Commission” and “Legal Service Officer”.

Clauses 3 to 15 amend various Acts to the effect that —

- (a) Acts that apply in relation to the Singapore Legal Service will also apply in relation to the Singapore Judicial Service;
- (b) Acts that apply in relation to the Legal Service Commission will also apply in relation to the Judicial Service Commission; and
- (c) Acts that apply in relation to Legal Service Officers will also apply in relation to Judicial Service Officers.

EXPENDITURE OF PUBLIC MONEY

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