1958 No. 1521

The Singapore Colony (Electoral Provisions) Order in Council, 1958

Made - - - -	11*th September*, 1958
Laid before Parliament	17*th September*, 1958
Coming into Operation	18*th September*, 1958

At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Singapore Colony Orders in Council, 1955 and 1956(a), provision is made for a Legislative Assembly in and for the Colony of Singapore (in this Order referred to as "Singapore") consisting of a Speaker, three ex officio Members, twenty-five Elected Members and four Nominated Members:

And Whereas it is proposed that there shall in due course be established a new Constitution making provision, among other things, for a Legislative Assembly containing fifty-one elected Members:

And Whereas it is expedient that, if provision is so made, the Legislative Assembly so provided for should be constituted and summoned as soon as practicable after the day appointed for the said Constitution to come into operation (in this Order referred to as "the appointed day"); that elections for the said fifty-one Members should therefore be held before that day; and that, for this purpose, provision should be made regulating the said elections and providing for the qualification and disqualification of persons for election to the Assembly first to be summoned under the said Constitution (in this Order referred to as "the first Assembly"):

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887(b), and 1945(c), and the Straits Settlements (Repeal) Act, 1946(d), or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Interpretation

1.—(1) In this Order—

"citizen of Singapore" means any person who, under any law for the time being in force in Singapore, has the status of a citizen of Singapore;

"the Supreme Court" means the Supreme Court for the time being constituted in and for Singapore.

(a) S.I. 1955/187, 1956/233 (1955 II, p. 2438; 1956 II, p. 2226).
(b) 50 & 51 Vict. c. 54. (c) 9 & 10 Geo. 6. c. 7. (d) 9 & 10 Geo. 6. c. 37.

(2) Save where this Order otherwise provides or where the context otherwise requires, this Order shall be construed as one with the Singapore Colony Orders in Council, 1955 and 1956.

(3) References in this Order to any Ordinance include references to any law from time to time adapting, modifying, amending or replacing it.

Citation and commencement

2. This Order may be cited as the Singapore Colony (Electoral Provisions) Order in Council, 1958, and shall come into operation on the 18th day of September, 1958.

Holding of elections

3. The Governor may, at any time after the commencement of this Order but before the appointed day, cause elections to be held for the election of fifty-one members of the first Assembly.

Application of Singapore Legislative Assembly Elections Ordinance

4.—(1) The Singapore Legislative Assembly Elections Ordinance shall apply in relation to the elections held under the preceding section and in relation to all matters incidental thereto ; and all steps which may be necessary or expedient for or by reason of the holding of those elections may be taken, in accordance with the provisions of the said Ordinance, at any time after the commencement of this Order.

(2) The legislature of the Colony of Singapore may, by law enacted at any time after the commencement of this Order, provide for such amendments to the said Ordinance as may be necessary or expedient as aforesaid.

(3) Subject to any provision made under the preceding subsection, the Governor may, by regulations made at any time after the commencement of this Order and published in the Gazette, make such adaptations to and modifications of the provisions of the said Ordinance as may appear to him to be necessary or expedient as aforesaid.

Qualifications for membership of first Assembly

5.—(1) Subject to the provisions of sections 6 and 7 of this Order, any citizen of Singapore who—

(*a*) is of or above such age and possesses such residence qualifications as may be prescribed by or under the Singapore Legislative Assembly Elections Ordinance ; and

(*b*) is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly, to speak and, unless incapacitated by blindness or other physical cause, to read and write at least one of the following languages, that is to say, English, Malay, Mandarin and Tamil ;

shall be qualified to be elected in the aforesaid elections as a Member of the first Assembly, and no other person shall be qualified to be so elected.

(2) Any question whether any person possesses the qualifications mentioned in paragraph (*b*) of the preceding subsection shall, for the purposes of the aforesaid elections, be determined in such manner as may be prescribed by or under any law for the time being in force in Singapore or, in so far as not so prescribed, as may be provided by order made by the Governor, acting in his discretion, and published in the Gazette.

Disqualification for membership

6. A person shall not be qualified to be elected in the aforesaid elections as a Member of the first Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State ; or

(*b*) is employed by any foreign Power or State or by any organisation wholly or principally owned or controlled by any foreign Power or State ; or

(*c*) holds, or is acting in, any public office ; or

(*d*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Government of Singapore for or on account of the public service, and has not, within one month before the date of election, published in the Gazette a notice setting out any such contract and his interest, or the interest of any such firm or company, therein ; or

(*e*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(*f*) under any law for the time being in force in Singapore, is a person adjudged to be of unsound mind or detained as a criminal lunatic ; or

(*g*) has been sentenced by a court in any part of Her Majesty's dominions to death or imprisonment (by whatever name called) for a term of or exceeding twelve months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon ; or

(*h*) is disqualified for membership of the first Assembly under any provisions of the Singapore Legislative Assembly Elections Ordinance which relate to offences connected with elections or is disqualified for membership of the Legislative Assembly of the Colony of Singapore under any other law for the time being in force in Singapore which so relates ; or

(*i*) is disqualified by the Singapore Legislative Assembly Elections Ordinance for election to the first Assembly by reason of his holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election, or any responsibility for the compilation or revision of any electoral register, or is disqualified by any other law for the time being in force in Singapore for election to the Legislative Assembly of the Colony of Singapore by reason of his holding, or acting in, any such office.

Special disqualification for membership of first Assembly

7.—(1) No person shall be qualified to be elected as a Member of the first Assembly if, at the date of his nomination for election,

(*a*) he is undergoing a sentence of imprisonment for any offence against the Sedition Ordinance ; or

(*b*) he is detained under the provisions of the Preservation of Public Security Ordinance, 1955, and has not been granted a certificate under this section.

(2) A Tribunal shall be constituted for the purposes of this section consisting of a Judge of the Supreme Court nominated specially or generally by the Chief Justice.

(3) The following provisions shall have effect in relation to the application for, and the grant of, certificates under this section:—

(*a*) the application shall be in writing and shall be addressed to the Tribunal;

(*b*) a copy of the application shall be transmitted by the applicant to the Governor's Secretary and Clerk to the Council of Ministers (in this section called "the Clerk"); and

(*c*) the Clerk shall prepare a statement (in this section called "the statement") setting out allegations against the applicant by reason of which the competent authority under the Preservation of Public Security Ordinance, 1955, was satisfied that it was necessary for the applicant to be detained, and shall transmit copies of the statement to the Tribunal and to the applicant.

(4) The Tribunal shall take the statement into consideration and shall determine whether, in whole or in part, it has the effect of alleging that the applicant had been engaged in subversive activities threatening the peace, order or good government of Singapore.

(5) If the Tribunal is satisfied that neither the statement as a whole nor any part thereof has the effect aforesaid, it shall grant to the applicant a certificate stating that it is so satisfied; and if the Tribunal is not so satisfied, it shall cause the applicant and the Clerk to be so informed and shall refuse to grant a certificate.

(6) Subject to the provisions of this section, the Tribunal may regulate its own procedure.

(7) Notwithstanding the provisions of the Singapore Legislative Assembly Elections Ordinance, the Returning Officer acting in any election shall disallow the nomination of any person who appears to him to be disqualified for election under this section and shall inform that person of his decision so to do; the decision of the Returning Officer disallowing a nomination under this subsection shall not be questioned otherwise than by an election petition brought under the provisions of the said Ordinance.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to enable elections for the Legislative Assembly to be set up under the proposed new Constitution for Singapore to be held before that Constitution comes into operation; to make provision regulating those elections; and to provide for the qualification and disqualification of persons for election to the first Legislative Assembly to be summoned under the proposed new Constitution.