SINGAPORE

1958 No. 1956

The Singapore (Constitution) Order in Council, 1958

Made - - - - - 21*st* *November*, 1958
Laid before Parliament - 27*th* *November*, 1958
Coming into Operation,
Sections 121 (5) *and* 123 - 28*th* *November*, 1958
Remainder - - - 3*rd* *June*, 1959

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At the Court at Buckingham Palace, the 21st day of November, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at a conference held in London in the months of March and April, 1957, between representatives of Her Majesty's Government in the United Kingdom (in this Order called " the Government of the United Kingdom ") and representatives of the Colony of Singapore, it

was agreed that it was desirable that Singapore should bear the title "The State of Singapore" and that a new Constitution should be established conferring upon the State of Singapore internal self-government under a Yang di-Pertuan Negara and reserving to the Government of the United Kingdom responsibility for defence and external affairs:

And whereas it was further agreed that, while the maintenance of law and order in Singapore, and the prevention of subversion would, under the said Constitution, be the responsibility of the Government of Singapore, nevertheless, since the internal security and external defence of Singapore are inter-related, all matters relating to the internal security of Singapore would be matters of interest and concern not only to the Government of Singapore but also to the Government of the United Kingdom; and, accordingly, that the said Constitution should make provision for an Internal Security Council:

And whereas, by an exchange of letters, dated the eighth day of November, 1958, between the High Commissioner for the United Kingdom in the Federation of Malaya of the one part and the Prime Minister of the Federation of Malaya of the other part, the Government of the United Kingdom and the Government of the Federation of Malaya placed on record the understanding reached between them (with the concurrence of the aforesaid representatives of the Colony of Singapore) relating to the participation of the Government of the Federation of Malaya in the work of the said Internal Security Council and to other matters incidental thereto:

And whereas it was further agreed at the said conference, and it is hereby expressly affirmed, that it shall be the responsibility of the Government of Singapore constantly to care for the interests of racial and religious minorities in Singapore, and in particular that it shall be the deliberate and conscious policy of the Government of Singapore at all times to recognise the special position of the Malays, who are the indigenous people of the Island and are in most need of assistance, and accordingly, that it shall be the responsibility of the Government of Singapore to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language:

And whereas it is now expedient to make provision for the matters aforesaid:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by subsections (1), (2) and (3) of section 1 of the State of Singapore Act, 1958(a), 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:—

PART I

PRELIMINARY

Interpretation

1.—(1) In this Order, unless it is otherwise provided or the context otherwise requires—

"the Act" means the State of Singapore Act, 1958(a);

"the appointed day" means the day appointed under section 2 of this Order;

"the Assembly" means the Legislative Assembly established by this Order, and includes the first Assembly;

(a) 6 & 7 Eliz. 2. c. 59.

" the Cabinet " means the Cabinet constituted under this Order;

" Civil List " means the provision made under section 12 of this Order for the maintenance of the Yang di-Pertuan Negara;

" 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 Consolidated Fund " means the Consolidated Fund established by this Order;

" the first Assembly " means the Legislative Assembly elected under the provisions of the Singapore Colony (Electoral Provisions) Order in Council, 1958(a), and first summoned under the provisions of subsection (2) of section 61 of this Order;

" the Governor " means the Governor and Commander-in-Chief of the Colony of Singapore;

" the Gazette " means the official Gazette of Singapore;

" Malaya " means Singapore and the Federation of Malaya;

" Minister " means a Minister appointed under this Order;

" public office " means any office of emolument in the public service;

" public officer " means the holder of any public office;

" the public seal " means the public seal of Singapore;

" public service ", in relation to service on or after the appointed day, means service under the Government of Singapore, or service as a Judge of the Supreme Court or as a judge or magistrate of a subordinate court; and, in relation to service before the appointed day, shall be similarly construed;

" the Public Service Commission " means the Public Service Commission constituted under this Order;

" remuneration " in respect of any officer means only the emoluments of that officer, the whole or any part of which is pensionable;

" session " means the sittings of the Assembly commencing when the Assembly first meets after being constituted, or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or is dissolved without having been prorogued;

" Singapore " means the State of Singapore;

" sitting " means a period during which the Assembly is sitting continuously without adjournment, including any period during which the Assembly is in committee;

" the Speaker " and " the Deputy Speaker " mean, respectively, the Speaker and the Deputy Speaker of the Assembly;

" the Supreme Court " means the Supreme Court constituted under this Order;

" terms of service " in respect of any officer include the remuneration to which that officer is entitled by virtue of his office, and any pension, gratuity or other like allowance which he may claim by virtue of his having held office; and the expression " terms of office " in respect of a Judge of the Supreme Court shall be similarly construed.

(2) Save where this Order otherwise provides or where the context otherwise requires—

(*a*) the person or authority having power to make substantive appointments to any public office may appoint a person to perform the

(a) S.I. 1958/1521 (Pt. II, p. 2212, of this volume).

functions of that office during any period during which it is vacant or during which the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(*b*) every appointment to perform the functions of an office made under the preceding paragraph shall be made in the same manner as and subject to the same conditions as apply to a substantive appointment to that office;

(*c*) any reference in this Order to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office;

(*d*) any reference in this Order to an appointment to any office shall be construed as including a reference to an appointment to perform the functions of that office.

(3) Where in this Order power is conferred on any person or authority to appoint a person to perform the functions of any office if the holder thereof is unable himself to perform its functions, any such appointment shall not be called in question on the ground that the holder of that office was not unable to perform those functions.

(4) For the purposes of this Order, the resignation of a member of any body or the holder of any office constituted by this Order that is required to be addressed to any person shall be deemed to have effect from the time that it is received by that person:

Provided that, in the case of a resignation that is required to be addressed to the Speaker, the resignation shall, if the office of Speaker is vacant or the Speaker is absent from Singapore, be deemed to have effect from the time that it is received by the Deputy Speaker on behalf of the Speaker.

(5) For the purposes of this Order a person shall not be considered as holding a public office by reason only that he is in receipt of a pension or other like allowance in respect of public service.

(6) If it is provided by any law for the time being in force in Singapore that an office shall not be a public office for the purposes of Part V of this Order, this Order shall have effect accordingly as if that provision of that law were enacted herein.

(7) For the purposes of this Order, a person shall not be considered as holding a public office by reason of the fact that he is in receipt of any remuneration or allowances (including a pension or other like allowance) in respect of his tenure of the office of Speaker, Deputy Speaker, Minister, Assistant Minister or Member of the Assembly.

(8) (*a*) Without prejudice to the provisions of subsection (2) of this section, when the holder of any public office is on leave of absence pending relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto.

(*b*) Where two or more persons are holding the same office by reason of an appointment made pursuant to the preceding paragraph, the person last appointed shall, in respect of any function conferred on the holder of that office, be deemed to be the sole holder of that office.

(9) For the avoidance of doubt it is hereby declared that, subject to the provisions of subsection (6) of section 107 of this Order, the offices of Yang di-Pertuan Negara and United Kingdom Commissioner and all offices on the staff of the United Kingdom Commissioner are not public offices for the purposes of this Order except Part V thereof.

(10) Any reference in this Order to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction.

(11) This Order shall be construed—

(*a*) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection;

(*b*) as if subsection (2) of section 3 of the Ireland Act, 1949(**b**), applied to it as that subsection applies to laws in force on the date of the commencement of that Act;

(*c*) as if subsection (1) of section 1 of the Pakistan (Consequential Provision) Act, 1956(**c**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection;

(*d*) as if subsection (1) of section 2 of the Federation of Malaya Independence Act, 1957(**d**), applied to it in the same way as that subsection applies to existing laws as defined by subsection (4) of that section.

(12) Where a person is required by this Order to take an oath, he shall be permitted, if he so desires, to comply with that requirement by making an affirmation.

(13) References in this Order to any period shall, so far as the context admits, be construed as including references to a period beginning before the appointed day.

(14) In the interpretation of this Order full regard shall be had to the duty of the Government of Singapore at all times to discharge the responsibilities which are recorded in the fourth recital of the Preamble thereto (which relates to the special position of the Malays and the interests of other minorities) and which are hereby laid upon it.

(15) Save as is in this Order otherwise provided or required by the context, the Interpretation Act, 1889(**e**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Citation and commencement

2. This Order may be cited as the Singapore (Constitution) Order in Council, 1958, and, save where otherwise provided, shall come into operation on such day as the Governor may appoint by Proclamation in the Gazette of the Colony of Singapore.

Revocation

3. The Singapore Colony Orders in Council, 1955 and 1956(**f**), are hereby revoked.

PART II

YANG DI-PERTUAN NEGARA

Office of Yang di-Pertuan Negara

4.—(1) There shall be in and for Singapore a Representative of Her Majesty to be known as the Yang di-Pertuan Negara.

(**a**) 12, 13 & 14 Geo. 6. c. 92.
(**b**) 12, 13 & 14 Geo. 6. c. 41.
(**c**) 4 & 5 Eliz. 2. c. 31.
(**d**) 5 & 6 Eliz. 2. c. 60.
(**e**) 52 & 53 Vict. c. 63.
(**f**) S.I. 1955/187, 1956/233 (1955 II, p. 2438; 1956 II, p. 2226).

(2) Subject to the provisions of section 107 of this Order, the Yang di-Pertuan Negara shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet from among persons born in Malaya:

Provided that, before any appointment is made under this subsection, the Government of Singapore shall be consulted concerning the person who is to be appointed.

(3) The Yang di-Pertuan Negara shall hold office during Her Majesty's pleasure but shall, without prejudice to his being re-appointed from time to time, vacate his office not more than four years after the date of his appointment thereto.

Powers and duties of Yang di-Pertuan Negara

5. The Yang di-Pertuan Negara shall do all things that belong to his office in accordance with this Order and such other laws as may from time to time be in force in Singapore, and, subject thereto, in accordance with such Commission as aforesaid and such instructions as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Yang di-Pertuan Negara has in any matter complied with any such instructions shall not be enquired into in any court.

Publication of Commission and Taking of Oaths by Yang di-Pertuan Negara

6. The Yang di-Pertuan Negara shall, before entering on any of the duties of his office, cause the Commission appointing him to be Yang di-Pertuan Negara to be read and published in the presence of the Chief Justice or some other Judge of the Supreme Court and of such Ministers as can conveniently attend; and shall thereupon take before them the Oath of Allegiance and the Oath for the due execution of the office of Yang di-Pertuan Negara in the forms set out in the First Schedule to this Order, which Oaths the said Chief Justice or Judge is hereby required to administer.

Succession to functions of Yang di-Pertuan Negara

7.—(1) Whenever the office of Yang di-Pertuan Negara is vacant, or the Yang di-Pertuan Negara is absent from Singapore, or is from any other cause prevented from, or incapable of, performing the functions of his office, those functions shall, during Her Majesty's pleasure, be performed by such person as Her Majesty may appoint or direct under Her Sign Manual and Signet:

Provided that, before any appointment is made or direction given under this subsection, the Government of Singapore shall be consulted concerning the person who is to be so appointed or directed to perform those functions.

(2) Before any person assumes the functions of the office of Yang di-Pertuan Negara, he shall take the Oaths directed by this Order to be taken by the Yang di-Pertuan Negara.

(3) Any such person shall not continue to perform the functions of the office of Yang di-Pertuan Negara after the Yang di-Pertuan Negara or some other person having a prior right to perform those functions has informed him that he is about to assume or resume them.

(4) The Yang di-Pertuan Negara or any other person as aforesaid shall not be regarded, for the purposes of this section, as absent from Singapore, or as prevented from or incapable of performing the functions of the office of Yang di-Pertuan Negara, during his passage from one part of Singapore to another or when he is in the Federation of Malaya or is in direct transit between the Federation of Malaya and Singapore.

Disposal of land

8. Subject to the provisions of any law for the time being in force in Singapore and to any instructions from time to time given to him by Her Majesty, the Yang di-Pertuan Negara, in Her Majesty's name and on Her Majesty's behalf, may, under the public seal, make grants and dispositions of lands or other immovable property in Singapore which may lawfully be granted or disposed of by Her Majesty.

Grant of Pardon

9. The Yang di-Pertuan Negara, as occasion shall arise, may, in Her Majesty's name and on Her Majesty's behalf—

(i) grant a pardon to any accomplice in any offence (being an offence for which the offender may be tried in Singapore) who gives information which leads to the conviction of the principal offender or any one of the principal offenders if more than one;

(ii) grant to any offender convicted of any offence in any court in Singapore a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Yang di-Pertuan Negara may think fit, of the execution of any sentence passed on such offender; and

(iii) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty:

Provided that the power conferred by this section shall not extend to any trial before, or any conviction in or any sentence, penalty or forfeiture imposed by any court-martial (however styled) other than a court-martial constituted by or under any law which was enacted (whether before or after the appointed day) by any legislature in Singapore and which is applicable only to naval or military forces raised in Singapore by virtue of any law so enacted.

Appointments, etc. of officers

10. The Yang di-Pertuan Negara may, in the name and on behalf of Her Majesty, constitute such offices for Singapore as may lawfully be constituted by Her Majesty, and, subject to the provisions of this Order and of any other law for the time being in force in Singapore, the Yang di-Pertuan Negara may likewise—

(*a*) make appointments (including promotions and transfers), to be held during pleasure, to any office so constituted; and

(*b*) dismiss any person so appointed or suspend him from the exercise of his office or take such other disciplinary action in relation to him as the Yang di-Pertuan Negara may think fit.

Petitions

11. All petitions submitted to Her Majesty from any person or body in Singapore shall be so submitted through the Yang di-Pertuan Negara.

Remuneration and Civil List of Yang di-Pertuan Negara and remuneration of Acting Yang di-Pertuan Negara

12.—(1) Subject to the provisions of section 107 of this Order, the Yang di-Pertuan Negara shall be paid such remuneration and shall have such Civil List as may be provided by the Assembly.

(2) Any other person authorised under this Order to perform the functions of the office of Yang di-Pertuan Negara shall, during any period during which he performs those functions, be entitled to such remuneration as the Assembly may provide.

(3) The remuneration and Civil List of the Yang di-Pertuan Negara and the remuneration to which any person is entitled under the preceding subsection shall be charged on and paid out of the Consolidated Fund and shall not be diminished during the continuance in office of the Yang di-Pertuan Negara or, as the case may be, during the period during which the said person performs the functions of the office of Yang di-Pertuan Negara.

(4) In the assessment of any income tax which may be payable under any law for the time being in force in Singapore, no account shall be taken of the Civil List of the Yang di-Pertuan Negara or of the annual value of any official residence occupied by the Yang di-Pertuan Negara or any person performing the functions of the office of Yang di-Pertuan Negara.

Personal staff of the Yang di-Pertuan Negara

13.—(1) Subject to the provisions of the following subsection, the appointment, terms of service, disciplinary control, termination of appointment and dismissal of the personal staff of the Yang di-Pertuan Negara shall be matters for the Yang di-Pertuan Negara acting in his discretion.

(2) The Yang di-Pertuan Negara, if he so desires, may appoint to his personal staff such public officers as he may select, acting in his discretion but after consultation with the Prime Minister, from a list submitted by the Public Service Commission, and the provisions of the preceding subsection (except so far as they relate to appointment) shall apply in relation to a person so appointed as respects his service on the personal staff of the Yang di-Pertuan Negara but not as respects his service as a public officer.

(3) The remuneration of the personal staff of the Yang di-Pertuan Negara, other than a person appointed under the preceding subsection, shall be defrayed out of the Civil List of the Yang di-Pertuan Negara.

Yang di-Pertuan Negara entitled to information

14. The Yang di-Pertuan Negara shall, in the exercise of the functions conferred on him by this Order, be entitled to any information concerning the government of Singapore which is available to the Cabinet.

PART III

UNITED KINGDOM COMMISSIONER

United Kingdom Commissioner

15. There shall be in and for Singapore a Representative of the Government of the United Kingdom, to be known as the United Kingdom Commissioner, who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

Powers and duties of United Kingdom Commissioner

16. The United Kingdom Commissioner shall do all things that belong to his office in accordance with this Order, and, subject thereto, in accordance with such Commission as aforesaid and such instructions as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the United Kingdom Commissioner has in any matter complied with any such instructions shall not be enquired into in any court.

Succession to functions of United Kingdom Commissioner

17.—(1) Whenever the office of United Kingdom Commissioner is vacant, or the United Kingdom Commissioner is absent from Singapore, or is from any other cause prevented from, or incapable of, performing the functions of his office, those functions shall, during Her Majesty's pleasure, be performed by such person as Her Majesty may appoint or direct under Her Sign Manual and Signet.

(2) The United Kingdom Commissioner or any other person as aforesaid shall not be regarded, for the purposes of this section, as absent from Singapore, or as prevented from or incapable of performing the functions of the office of United Kingdom Commissioner during his passage from one part of Singapore to another or when he is in the Federation of Malaya or is in direct transit between the Federation of Malaya and Singapore.

United Kingdom Commissioner to see papers

18.—(1) The United Kingdom Commissioner shall, for the due performance of the functions of his office, be provided with copies of—

(*a*) the Agenda of the Cabinet;

(*b*) a list of all matters discussed by the Cabinet which were not on the Agenda and a statement of the decisions and conclusions of the Cabinet relating to matters which, in the opinion of the Prime Minister, either affect the responsibilities of the Government of the United Kingdom for defence and external affairs or are matters which the United Kingdom Commissioner may wish to raise before the Internal Security Council; and

(*c*) all other papers laid before the Cabinet relating to matters which, in the opinion of the Prime Minister, either affect the aforesaid responsibilities of the Government of the United Kingdom or are matters which the United Kingdom Commissioner may wish to raise as aforesaid.

(2) The United Kingdom Commissioner shall be provided with the said copies of the Agenda and of the other papers laid before the Cabinet at the time they are circulated to Ministers, and of the said list and the said statement as soon as practicable after the discussion, decision or conclusion concerned.

(3) If it appears to the United Kingdom Commissioner that any other decision or conclusion of the Cabinet or any other paper laid before the Cabinet relates to matters which are liable to affect the aforesaid responsibilities of the Government of the United Kingdom or which he may wish to raise before the Internal Security Council, he may request the Prime Minister to provide him with a statement of that decision or conclusion or with facilities to read that paper, and if the Prime Minister is not able otherwise to satisfy the United Kingdom Commissioner that that decision, conclusion or paper (as the case may be) does not relate to such matters, he shall provide that statement or those facilities.

Immunities of United Kingdom Commissioner, etc.

19.—(1) The United Kingdom Commissioner shall be entitled to immunity from suit and legal process, to inviolability of residence, official premises and official archives, and to the like privileges as are accorded to the envoy of a foreign sovereign Power accredited to Her Majesty.

(2) The members of the official staff of the United Kingdom Commissioner shall be entitled to immunity from suit and legal process and to inviolability of residence.

(3) If in any proceedings any question arises whether or not any person is entitled to immunity from suit and legal process or to inviolability of residence under any provision of this Order, a certificate issued by or under the authority of the United Kingdom Commissioner stating any fact relevant to that question shall be conclusive evidence of that fact.

(4) The United Kingdom Commissioner shall compile a list of the persons who are entitled to immunity from suit and legal process and to inviolability of residence under the provisions of this Order and for whom such immunity and inviolability are claimed, and shall from time to time amend the list and shall deposit the list and any amendment of it or any amended list with the Government of Singapore.

(5) Notwithstanding anything in this Order, the United Kingdom Commissioner may waive any immunity conferred by this Order on any person.

PART IV

The Executive

Cabinet

20.—(1) There shall be in and for Singapore a Cabinet which shall consist of the Prime Minister and such other Ministers as may be appointed in accordance with the provisions of the following section.

(2) Subject to the provisions of this Order, the Cabinet shall have the general direction and control of the government of Singapore and shall be collectively responsible therefor to the Assembly.

Appointment of Ministers

21.—(1) The Yang di-Pertuan Negara, acting in his discretion, shall appoint as Prime Minister a Member of the Assembly who, in his judgment, is likely to command the confidence of the majority of the Members of the Assembly, and shall, acting in accordance with the advice of the Prime Minister, appoint other Ministers from among the Members of the Assembly:

Provided that, if an appointment is made while the Assembly is dissolved, a person who was a Member of the last Assembly may be appointed Prime Minister or a Minister but shall cease to hold office at the beginning of the first session of the next Assembly if he is not a Member thereof.

(2) Appointments under this section shall be made by the Yang di-Pertuan Negara by instrument under the public seal.

Tenure of office of Ministers

22.—(1) The Yang di-Pertuan Negara shall, by writing under the public seal, declare the office of Prime Minister vacant—

(*a*) if the Prime Minister ceases to be a Member of the Assembly for any reason other than a dissolution thereof; or

(*b*) if the Prime Minister resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara; or

(*c*) if the Yang di-Pertuan Negara, acting in his discretion, is satisfied that the Prime Minister has ceased to command the confidence of a majority of the Members of the Assembly:

Provided that, before declaring the office of Prime Minister vacant under this paragraph, the Yang di-Pertuan Negara shall inform the Prime Minister that he is satisfied as aforesaid, and, if the Prime Minister so requests, the Yang di-Pertuan Negara, acting in his discretion, may dissolve the Assembly instead of making such a declaration;

and the Yang di-Pertuan Negara, acting in his discretion, may likewise declare the office of Prime Minister vacant if the Prime Minister is absent from Singapore without having given the Yang di-Pertuan Negara prior notice of such absence; and upon the Yang di-Pertuan Negara making a declaration under this subsection the Prime Minister shall vacate his office.

(2) A Minister other than the Prime Minister shall vacate his office—

(*a*) if the office of Prime Minister becomes vacant; or

(*b*) if his appointment to that office is revoked by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, by instrument under the public seal; or

(*c*) if he is absent from Singapore without written permission given by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister; or

(*d*) if he ceases to be a Member of the Assembly for any reason other than a dissolution thereof; or

(*e*) if he resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara.

(3) The Prime Minister or any other Minister shall not, for the purposes of this section, be regarded as absent from Singapore at any time during his passage from one part of Singapore to another or when he is in the Federation of Malaya or is in direct transit between the Federation of Malaya and Singapore.

(4) A person who has vacated his office as Minister may, if qualified, be again appointed as Minister from time to time.

(5) (*a*) Whenever the Prime Minister is ill or absent from Singapore or has been granted leave of absence from his duties under section 33 of this Order, the functions conferred on him by this Order shall be exercisable by any other Minister authorised by the Yang di-Pertuan Negara, by instrument under the public seal, in that behalf.

(*b*) The Yang di-Pertuan Negara may, by instrument under the public seal, revoke any authority given under this subsection.

(*c*) The powers conferred upon the Yang di-Pertuan Negara by this subsection shall be exercised by him acting in his discretion, if in his opinion it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's illness or absence, and in any other case shall be exercised by the Yang di-Pertuan Negara in accordance with the advice of the Prime Minister.

Oaths

23. The Prime Minister and every other Minister shall, before entering on the duties of his office, take before the Yang di-Pertuan Negara the

Oath of Allegiance and the appropriate Oath for the due execution of his office in the forms set out in the First Schedule to this Order.

Presiding in the Cabinet

24. The Prime Minister shall, so far as is practicable, attend and preside at all meetings of the Cabinet; and in his absence such other Minister shall preside as the Prime Minister shall appoint.

Validity of proceedings

25. Any proceedings in the Cabinet shall be valid notwithstanding that some person who was not entitled so to do sat or voted therein or otherwise took part in the proceedings.

Summoning of Cabinet

26. The Cabinet shall not be summoned except by the authority of the Prime Minister.

Assignment of responsibilities to Ministers

27.—(1) Subject to the provisions of Part VIII of this Order, the Prime Minister may, by directions in writing—

(*a*) charge any Minister with the responsibility for any department or subject; and

(*b*) revoke or vary any directions given under this subsection.

(2) The Prime Minister may retain in his charge any department or subject.

Assistant Ministers

28.—(1) The Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may, by instrument under the public seal, appoint Assistant Ministers from among the Members of the Assembly to assist Ministers in the discharge of their duties and functions:

Provided that, if an appointment is made while the Assembly is dissolved, a person who was a Member of the last Assembly may be appointed an Assistant Minister but shall cease to hold office at the beginning of the first session of the next Assembly if he is not a Member thereof.

(2) The provisions of subsections (2), (3) and (4) of section 22 and the provisions of section 23 of this Order shall apply to Assistant Ministers as they apply to Ministers.

Permanent Secretaries

29.—(1) There shall be for each Ministry one or more Permanent Secretaries who shall be persons who are public officers.

(2) (*a*) Appointments to the grade of Permanent Secretary shall be made by the Yang di-Pertuan Negara, acting in his discretion but after consultation with the Prime Minister, from a list of names submitted by the Public Service Commission.

(*b*) The responsibility for the allocation of each Permanent Secretary to a Ministry shall be vested in the Prime Minister.

(3) Every Permanent Secretary shall, subject to the general direction and control of the Minister, exercise supervision over the department or departments to which he is allocated.

State Advocate-General

30.—(1) The office of State Advocate-General is hereby constituted and appointments thereto shall be made by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, from among persons who are qualified for appointment as a Judge of the Supreme Court.

(2) When it is necessary to make an appointment to the office of State Advocate-General otherwise than by reason of the death of the holder of that office or his removal from office under subsection (6) of this section, the Prime Minister shall, before tendering advice to the Yang di-Pertuan Negara under the preceding subsection, consult the person holding the office of State Advocate-General or, if that office is then vacant, the person who has last vacated it, and the Prime Minister shall, in every case, before tendering such advice, consult the Chief Justice and the Chairman of the Public Service Commission.

(3) The Prime Minister shall not be obliged to consult any person under the provisions of the preceding subsection if the Yang di-Pertuan Negara, acting in his discretion, is satisfied that by reason of the infirmity of body or mind of that person or for any other reason it is impracticable so to do.

(4) The State Advocate-General may be appointed for a specified period and, if he was so appointed, shall, subject to the provisions of subsection (6) of this section, vacate his office (without prejudice to his eligibility for re-appointment) at the expiration of that period, but, subject as aforesaid, shall otherwise hold office until he attains the age of fifty-five years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Negara; and

(*b*) the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may permit a State Advocate-General who has attained the age of fifty-five years to remain in office for such fixed period as may have been agreed between the State Advocate-General and the Government of Singapore.

(5) Nothing done by the State Advocate-General shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(6) The State Advocate-General may be removed from office by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, but shall not be so removed except for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and except with the concurrence of the tribunal constituted under subsection (3) of section 81 of this Order.

(7) The State Advocate-General shall be paid such remuneration and allowances as may from time to time be determined by the Assembly, and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(8) The person holding the office of State Advocate-General may also be appointed to hold the office of Permanent Secretary for departments

dealing with legal matters; and when he holds that other public office, then—

(*a*) the power conferred by subsection (1) of section 81 of this Order to transfer, terminate the appointment of, dismiss or inflict any other punishment on a public officer shall not, without his consent, be exercised in relation to that other office except with the concurrence of the tribunal referred to in subsection (6) of this section; and

(*b*) he shall not be entitled to remuneration in respect of that other office except to the extent by which such remuneration exceeds the remuneration to which he is entitled as State Advocate-General.

(9) The terms of service of the State Advocate-General shall not be altered to his disadvantage during his continuance in office.

(10) For the purposes of the preceding subsection, in so far as the terms of service of the State Advocate-General depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

(11) Subject to the provisions of this section, the terms of service of the State Advocate-General shall either—

(*a*) be determined by or under any law made under this Order; or

(*b*) (in so far as they are not determined by or under any such law) be determined by the Yang di-Pertuan Negara.

Powers of State Advocate-General

31.—(1) The State Advocate-General shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in Singapore in respect of any offence alleged to have been committed by that person;

(*b*) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(*c*) to discontinue, at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the State Advocate-General under the preceding subsection may be exercised by him in person or by officers subordinate to him acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the State Advocate-General under paragraphs (*b*) and (*c*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that—

(*a*) where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings, by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court; and

(*b*) nothing in this subsection shall prevent the compounding of any offence in accordance with any law in that behalf for the time being in force in Singapore.

(4) In the exercise of the powers conferred on him by this section, the State Advocate-General shall not be subject to the direction or control of any other person.

(5) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court in Singapore or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

Secretary to Cabinet

32.—(1) There shall be a Secretary to the Cabinet who shall be appointed by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, from a list of public officers submitted by the Public Service Commission.

(2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and for transmitting to the United Kingdom Commissioner all such papers as, under the provisions of this Order, he is entitled to see, and shall have such other functions as the Prime Minister may from time to time direct.

Leave of absence for Ministers and Assistant Ministers

33. The Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may grant leave of absence from his duties to the Prime Minister, to any other Minister and to any Assistant Minister.

PART V

Constitution of Legislative Assembly

Legislative Assembly

34.—(1) There shall be a Legislative Assembly in and for Singapore which shall consist of fifty-one Members.

(2) If any person who is not a Member of the Assembly is elected as Speaker, he shall, by virtue of holding the office of Speaker, be a Member of the Assembly in addition to the fifty-one Members aforesaid, except for the purposes of Part IV and section 42 of this Order.

Speaker

35.—(1) Subject to the provisions of section 111 of this Order, when the Assembly first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be Speaker, and, whenever the office of Speaker is vacant otherwise than by reason of a dissolution of the Assembly, shall not transact any business other than the election of a person to fill that office.

(2) The Speaker may be elected, in such manner as the Assembly may from time to time decide, either from among the Members of the Assembly who are neither Ministers nor Assistant Ministers or from among persons who are not Members of the Assembly:

Provided that a person who is not a Member of the Assembly shall not be elected as Speaker if, under any of the provisions of this Order. he is not qualified for election as a Member of the Assembly.

(3) Upon the Speaker's being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with the provisions of section 58 of this Order) take and subscribe before the Assembly the Oath of Allegiance in the form set out in the First Schedule to this Order.

(4) Subject to the provisions of section 110 of this Order, the Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the Assembly, and shall vacate his office—

(*a*) on a dissolution of the Assembly:

Provided that, in such case, he shall be deemed to continue in office for the purposes of sections 36 and 46 of this Order until he resigns his office or vacates it otherwise than by reason of a dissolution of the Assembly or until the office of Speaker is filled; or

(*b*) in the case of a Speaker elected from among the Members of the Assembly, if he ceases to be a Member of the Assembly otherwise than by reason of a dissolution thereof or if, under the provisions of subsection (3) of section 42 of this Order, he is required to cease to exercise any of his functions as a Member or if he is appointed to be a Minister or an Assistant Minister; or

(*c*) in the case of a Speaker elected from among persons who are not Members of the Assembly, if any circumstance arises that, if he had been elected to a seat in the Assembly, would cause him to vacate his seat by virtue of paragraphs (*a*), (*b*), (*d*), (*e*) or (*h*) of subsection (2) of section 42 of this Order or would require him, by virtue of subsection (3) of that section, to cease to exercise any of his functions as a Member.

Remuneration of Speaker

36. Subject to the provisions of section 110 of this Order, the Speaker shall be paid such salary as the Assembly may from time to time determine, and that salary, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

Deputy Speaker

37.—(1) When the Assembly first meets after any general election, it shall, as soon as practicable, elect a Member thereof, not being a Minister or an Assistant Minister, to be Deputy Speaker; and whenever the office of Deputy Speaker becomes vacant, otherwise than by reason of a dissolution of the Assembly, the Assembly shall, as soon as convenient, elect another such Member thereof to that office.

(2) The Deputy Speaker may at any time resign his office, by writing under his hand addressed to the Clerk of the Assembly, and shall vacate his office—

(*a*) if he ceases to be a Member of the Assembly; or

(*b*) if he is required, under the provisions of subsection (3) of section 42 of this Order, to cease to exercise any of his functions as a Member; or

(*c*) if he is appointed to be a Minister or an Assistant Minister; or

(*d*) if he is elected as Speaker.

(3) The Deputy Speaker shall be paid such salary or allowance as the Assembly may from time to time determine, and that salary or allowance, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

Performance of functions of Speaker

38. Subject to the provisions of this Order, the functions conferred by this Order upon the Speaker shall, if there is no person holding the office of Speaker or if the Speaker is absent from Singapore or is otherwise unable to perform those functions, be performed by the Deputy Speaker or (if there be no Deputy Speaker or if he is likewise absent or unable to perform those functions) by some other person nominated in that behalf by the Yang di-Pertuan Negara, acting in his discretion.

Members of the Assembly

39. Members of the Assembly shall be persons qualified for election in accordance with the provisions of this Order and elected in the manner provided by or under any law for the time being in force in Singapore.

Qualifications for membership

40.—(1) Subject to the provisions of sections 41 and 111 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 any law for the time being in force in Singapore; 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 a Member of the 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 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 Yang di-Pertuan Negara, acting in his discretion, and published in the Gazette.

Disqualification for membership

41. A person shall not be qualified to be elected as a Member of the 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 Assembly under any law for the time being in force in Singapore relating to offences connected with elections; or

(*i*) is disqualified for election by any law for the time being in force in Singapore 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.

Tenure of office of Members

42.—(1) Every Member of the Assembly shall cease to be a Member at the next dissolution of the Assembly after he has been elected, or previously thereto if his seat becomes vacant under the provisions of this Order.

(2) The seat of a Member shall become vacant—

(*a*) if he ceases to be a citizen of Singapore; or takes any oath, or makes any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(*b*) if he enters into the employment of any foreign Power or State or of any organisation wholly or principally owned or controlled by any foreign Power or State; or

(*c*) if he is appointed to or to act in any public office; or

(*d*) if he is adjudged or otherwise declared bankrupt under any law for the time being in force in any part of Her Majesty's dominions; or

(*e*) if he becomes a party to any contract with the Government of Singapore for or on account of the public service, or if any firm in which he is a partner, or any company in which he is a director or manager, becomes a party to any such contract, or he becomes a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that such Member shall not vacate his seat under the provisions of this paragraph if, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company), he discloses to the Speaker the nature of such contract and the interest of any such firm or company therein and the Assembly by resolution exempts him from the provisions of this paragraph; or

(*f*) if, by writing under his hand addressed to the Speaker, he resigns his seat in the Assembly; or

(*g*) if, during two consecutive months in each of which sittings of the Assembly (or any committee of the Assembly to which he has been appointed) are held, he is absent from all such sittings without having obtained from the Speaker before the termination of any such sitting permission to be or to remain absent therefrom; or

(*h*) if he becomes subject to any of the disqualifications specified in paragraphs (*f*), (*h*) and (*i*) of section 41 of this Order.

(3) (*a*) Subject to the provisions of the following paragraph, if any Member of the Assembly is sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term of or exceeding twelve months, he shall forthwith cease to exercise any of his functions as a Member and his seat in the Assembly shall become vacant at the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the Member, from time to time extend that period for further periods of thirty days to enable the Member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the Assembly signified by resolution.

(*b*) If at any time before the Member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, his seat in the Assembly shall not become vacant under the preceding paragraph and he may resume the exercise of his functions as a Member.

(*c*) For the purposes of this subsection, two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

(4) Any person whose seat in the Assembly has become vacant may, if qualified, again be elected as a Member of the Assembly from time to time.

Decision of questions as to membership

43.—(1) Any question whether—

(*a*) any person has been validly elected as a Member of the Assembly; or

(*b*) any Member of the Assembly has vacated his seat therein or is required, under the provisions of subsection (3) of the preceding section, to cease to exercise any of his functions as a Member; or

(*c*) in the case of any person who has been elected as Speaker from among persons who are not Members of the Assembly, any circumstance has arisen that, if he had been elected to a seat in the Assembly, would cause him to vacate his seat by virtue of paragraphs (*a*), (*b*), (*d*), (*e*) or (*h*) of subsection (2) of the preceding section or would require him, by virtue of subsection (3) of that section, to cease to exercise any of his functions as a Member,

shall be determined by the Supreme Court in accordance with the provisions of any law for the time being in force in Singapore and, subject to any such law, in accordance with any directions given in that behalf by the Chief Justice.

(2) Proceedings for the determination of any question referred to in the preceding subsection may be instituted by any person (including the

State Advocate-General), and where such proceedings are instituted by a person other than the State Advocate-General, the State Advocate-General may intervene and (if he intervenes) may appear or be represented therein.

Filling of vacancies

44. Whenever it appears to the Speaker that the seat of a Member has become vacant, he shall, by writing under his hand, report such vacancy to the Yang di-Pertuan Negara, and the vacancy shall be filled by election in the manner provided by or under any law for the time being in force in Singapore.

Penalty for unqualified persons sitting or voting in the Assembly

45.—(1) Any person who sits or votes in the Assembly, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding two hundred dollars for each day on which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the State Advocate-General.

Staff of the Legislative Assembly

46.—(1) The staff of the Assembly shall consist of a Clerk of the Assembly, and such other officers as may from time to time be appointed under Part IX of this Order to assist him.

(2) The Clerk of the Assembly shall be appointed by the Yang di-Pertuan Negara, acting in his discretion but after consultation with the Speaker and the Public Service Commission.

(3) The Clerk of the Assembly may at any time resign his office by writing under his hand addressed to the Speaker, and, subject to the provisions of the following subsection, may be removed from office by the Yang di-Pertuan Negara, acting in his discretion but after consultation with the Speaker.

(4) The Clerk of the Assembly shall not be removed from office under the preceding subsection unless the Assembly, by a resolution which has received the affirmative vote of not less than two-thirds of all the Members thereof, has resolved that he ought to be so removed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) The staff of the Assembly shall not be eligible for promotion or transfer to any other office in the public service without the consent of the Speaker.

(6) Subject to the provisions of section 117 of this Order, the terms of service of the staff of the Assembly shall be determined by the Assembly after receiving the advice of a Commission consisting of the following persons, that is to say:—

(*a*) the Speaker, as Chairman;

(*b*) not more than three Ministers nominated by the Prime Minister, of whom one shall be the Minister responsible for finance; and

(*c*) a member of the Public Service Commission.

PART VI

POWERS AND PROCEDURE OF THE LEGISLATIVE ASSEMBLY

Power to make laws

47. Subject to the provisions of this Order, it shall be lawful for the Yang di-Pertuan Negara, with the advice and consent of the Assembly, to make laws for the peace, order and good government of Singapore.

Standing Orders

48.—(1) Subject to the provisions of this Order, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business.

(2) The Standing Orders of the Legislative Assembly constituted under the Singapore Colony Order in Council, 1955(a), which are in force immediately before the appointed day shall, with such adaptations and modifications as may be necessary to bring them into conformity with the Act and this Order, be deemed to be the first Standing Orders of the Assembly constituted under this Order and may be amended or revoked in pursuance of the preceding subsection.

Official Language

49.—(1) All debates and discussions in the Assembly shall be conducted in the English, Malay, Mandarin or Tamil languages.

(2) The Votes and Proceedings and the Official Report of the Assembly, and every paper presented thereto, and all minutes of proceedings and minutes of evidence and every report of any committee thereof, shall be in the English language.

Presiding in the Assembly

50. The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the Assembly (not being a Minister or Assistant Minister) elected by the Assembly, shall preside at each sitting of the Assembly.

Validity of proceedings

51. The Assembly shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled when the Assembly is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Assembly or otherwise took part in the proceedings.

Quorum

52. If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than one-quarter of the total number of Members and, after such interval as may be prescribed in the Standing Orders of the Assembly, the Speaker or other Member presiding ascertains that the number of Members present is still less than one-quarter of the total number of Members, he shall thereupon adjourn the Assembly.

Voting

53.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Assembly, the votes of the Members are equally divided, the motion shall be lost.

(a) S.I. 1955/187 (1955 II, p. 2438).

(2) If the Speaker has been elected from among persons who are not Members of the Assembly, he shall not vote, but, subject to this provision, the Speaker or other person presiding shall have an original vote but no casting vote.

Introduction of Bills

54.—(1) Subject to the provisions of this Order and of the Standing Orders of the Assembly, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Assembly, and the same shall be debated and disposed of according to the Standing Orders of the Assembly.

(2) Except on the recommendation of the Yang di-Pertuan Negara signified by a Minister, the Assembly shall not—

(*a*) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the Speaker or other Member presiding, makes provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of Singapore or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Singapore;

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker or other Member presiding, is that provision should be made for any of the purposes aforesaid; or

(*c*) receive any petition which, in the opinion of the Speaker or other Member presiding, requests that provision be made for any of the purposes aforesaid.

Assent to Bills

55.—(1) No Bill shall become law until either the Yang di-Pertuan Negara assents thereto in Her Majesty's name and on Her Majesty's behalf and signs it in token of such assent, or, subject to the provisions of subsection (4) of this section, Her Majesty gives Her assent thereto through a Secretary of State.

(2) When a Bill is presented to the Yang di-Pertuan Negara for his assent, he shall, in accordance with the provisions of this Order, declare that he assents or refuses his assent thereto or that, in accordance with the provisions of subsection (6) of section 74 of this Order, he reserves it for the signification of Her Majesty's pleasure.

(3) A law assented to by the Yang di-Pertuan Negara shall come into operation on the date of its publication in the Gazette or, if it is enacted either in such law or in any other law for the time being in force in Singapore that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of Her Majesty's pleasure shall become law as soon as Her Majesty gives Her assent thereto through a Secretary of State and the Yang di-Pertuan Negara signifies such assent by Proclamation published in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it is enacted, either in such law or in any other law for the time being in force in Singapore that it shall come into operation on some other date, on that date.

Words of enactment of laws

56. In every Bill presented for assent the words of enactment shall be as follows:—

" Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows:— ".

Laws relating to Singapore Government stock

57.—(1) Any law which has been assented to by the Yang di-Pertuan Negara and which appears to the Government of the United Kingdom—

(*a*) to alter, to the injury of the stockholders, any of the provisions relating to any stock of the Government of Singapore which, at the request of that Government, has been included in the list kept by Her Majesty's Treasury in the United Kingdom, in conformity with the provisions of the Colonial Stock Act, 1900(a), of securities in which a trustee may invest; or

(*b*) to involve a departure from the original contract in respect of any of the said stock,

may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any such law has been disallowed by Her Majesty, the Yang di-Pertuan Negara shall cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by or in pursuance of the law disallowed shall have effect as if such law had not been made. Subject to the foregoing provisions of this subsection, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Oath of Allegiance

58. No Member of the Assembly shall be permitted to take part in the proceedings thereof (other than proceedings necessary for the purpose of this section) until he has taken and subscribed before the Assembly the Oath of Allegiance in the form set out in the First Schedule to this Order:

Provided that the election of a Speaker may take place before the Members of the Assembly have taken and subscribed such Oath.

Privileges of Assembly and Members

59. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Assembly and its Members; but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament in the United Kingdom or of the Members thereof.

Restriction on discussion of conduct of Judge

60. The conduct of a Judge of the Supreme Court or a judge or magistrate of a subordinate court shall not be discussed in the Assembly except on a substantive motion of which notice has been given by not less than one-quarter of the total number of Members of the Assembly.

(a) 63 & 64 Vict. c. 62.

Sessions of the Assembly

61.—(1) There shall be a session of the Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in any one session and the first sitting thereof in the next session.

(2) The first session of the first Assembly shall commence within one month after the appointed day.

(3) The sessions of the Assembly shall be held in such places and shall commence at such times as the Yang di-Pertuan Negara may from time to time appoint by Proclamation in the Gazette.

Prorogation and dissolution

62.—(1) The Yang di-Pertuan Negara may at any time, by Proclamation in the Gazette, prorogue the Assembly.

(2) If, at any time, the office of Prime Minister is vacant, the Yang di-Pertuan Negara shall, by Proclamation in the Gazette, dissolve the Assembly as soon as he is satisfied, acting in his discretion, that a reasonable period has elapsed since that office was last vacated and that there is no Member of the Assembly likely to command the confidence of a majority of the Members thereof.

(3) The Yang di-Pertuan Negara may at any time, by Proclamation in the Gazette, dissolve the Assembly if he is advised by the Prime Minister so to do, but he shall not be obliged to act in this respect in accordance with the advice of the Prime Minister unless he is satisfied, acting in his discretion, that, in tendering that advice, the Prime Minister commands the confidence of a majority of the Members of the Assembly.

(4) The Yang di-Pertuan Negara shall dissolve the Assembly at the expiration of five years from the date of the return of the first writ at the last preceding general election, if it is not sooner dissolved.

General elections

63. There shall be a general election at such time within three months after every dissolution of the Assembly as the Yang di-Pertuan Negara shall appoint by Proclamation published in the Gazette.

PART VII

Internal Security Council

Internal Security Council

64.—(1) There shall be in and for Singapore an Internal Security Council (in this Part referred to as " the Council ") which, subject to the provisions of section 70 of this Order, shall consist of the following members:—

(*a*) the United Kingdom Commissioner, as Chairman;

(*b*) the Prime Minister;

(*c*) two members appointed to the Council by the United Kingdom Commissioner;

(*d*) two members, being Ministers, appointed to the Council by the Prime Minister; and

(*e*) a member appointed in accordance with the provisions of subsection (1) of section 70 of this Order.

(2) Any appointment made under the preceding subsection or under subsection (1) of section 70 of this Order may at any time be revoked by the person or authority empowered under those subsections to make such appointment.

(3) A member of the Council appointed under paragraph (*d*) of subsection (1) of this section shall cease to be a member if he ceases to be a Minister.

(4) Where, for any reason, there is a vacancy among the members of the Council other than the member referred to in paragraph (*e*) of subsection (1) of this section, an appointment shall be made as soon as practicable to fill that vacancy in accordance with the provisions of this section.

(5) The person or authority who is empowered by subsection (1) of this section or subsection (1) of section 70 of this Order to appoint any member of the Council may authorise any other person to act for that member as an alternate member in his absence from any meeting of the Council; and any such person shall, while so authorised and acting, stand in all respects in that behalf in the place of that member.

Functions of Internal Security Council

65. The Council shall have the following functions, that is to say—

(*a*) to consult together on all questions of policy relating to the maintenance of public safety and public order in Singapore;

(*b*) to maintain the efficiency of all organs of the Government of Singapore which are concerned with internal security;

(*c*) to ensure equal access by the Governments of the United Kingdom and of Singapore to the services of the said organs and to all information at the disposal of those organs.

Implementation of Internal Security Council's decisions

66.—(1) It shall be competent to the Council to make decisions for the maintenance of the internal security of Singapore or for the due performance of the functions conferred on it by the preceding section.

(2) Every decision made under the preceding subsection shall forthwith be communicated to the Government of Singapore and it shall be the duty of that Government to give immediate effect to that decision.

(3) Where the Chairman of the Council is satisfied that the Government of Singapore has failed to give effect to any such decision as aforesaid, he may, by writing under his hand, so inform the Yang di-Pertuan Negara, and advise him to make an Order giving effect to that decision; and the Yang di-Pertuan Negara shall make an Order accordingly.

(4) The Chairman, with the concurrence of the Council, may, from time to time, advise the Yang di-Pertuan Negara to make a further Order revoking or amending any Order made under this section, and upon such advice being communicated to him by writing under the hand of the Chairman of the Council, the Yang di-Pertuan Negara shall make such further Order accordingly.

(5) Every Order made by the Yang di-Pertuan Negara under this section shall have the force of law and shall be published in the Gazette.

Meetings of the Internal Security Council

67. The Council shall meet, at intervals which, unless the Chairman otherwise decides, shall be of not more than one month, at times fixed by the Chairman, and the Chairman shall call a meeting of the Council whenever requested by the Prime Minister so to do.

Procedure of the Internal Security Council

68.—(1) In the transaction of business, the Council shall observe the following rules, that is to say—

(*a*) no vote shall be taken on any question save in accordance with the provisions of this section;

(*b*) the Council shall endeavour to reach a decision on each question by agreement between all members present;

(*c*) if and when the Chairman of the Council is satisfied that such an agreed decision is not practicable, he shall, subject to the following paragraph, put the question to the vote;

(*d*) when the Chairman proposes to put any question to the vote in accordance with the provisions of this section, then, if any member of the Council is absent and there is present no alternate for that member, the Chairman shall postpone the vote on that question for such period as he may consider necessary to enable all members, or their alternates, to attend; and at the end of that period the Chairman may put the question to the vote whether or not every member of the Council, or his alternate, is then present;

(*e*) in any vote taken by the Council, every member, including the Chairman, shall have (either personally or through his alternate) one vote; the Chairman shall not have any casting vote;

(*f*) any question which, in accordance with the provisions of this section, is determined by a vote shall be so determined by a simple majority:

Provided that the question whether or not the Council has in any matter complied with the provisions of this subsection shall not be enquired into in any court.

(2) Subject to the provisions of the preceding subsection and to the other provisions of this Order, the Council may regulate its own procedure as it shall see fit.

(3) Subject to the provisions of subsection (1) of this section and subsection (2) of section 70 of this Order, the Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, including any vacancy not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Council or otherwise took part in the proceedings.

Internal Security Council to determine its own competence

69. Any question whether any matter relates to the internal security of Singapore and is in consequence within the competence of the Council shall be determined by the Council in accordance with the provisions of the preceding section, and every such determination shall be conclusive for all purposes and shall not be questioned in any court.

Representative of Federation of Malaya

70.—(1) The Government of the Federation of Malaya may appoint a representative to be a member of the Council.

(2) If at any time there is no member appointed under the preceding subsection, the Council shall continue to meet but as a consultative body

only, and, unless and until either such a member is appointed or is again appointed or other provision is duly made for the constitution of the Council—

(*a*) section 66, subsection (1) of section 68 and subsections (7) and (8) of section 74 of this Order shall have no effect;

(*b*) the references in subsections (1), (3) and (6) of section 74 of this Order to a decision of the Council made in accordance with subsection (7) of that section shall have no effect;

(*c*) the references in subsections (1), (3) and (6) of section 74 of this Order to subsection (8) of that section shall have no effect; and

(*d*) any advice submitted to the Council under subsection (1) of section 82 of this Order shall be once referred back to the Public Service Commission if any member of the Council so requests.

Joint Secretaries

71.—(1) There shall be two Joint Secretaries to the Council, one of whom shall be appointed by the Chairman of the Council and the other (who shall be a person who is a public officer) by the Prime Minister.

(2) The Joint Secretaries shall be responsible, in accordance with such instructions as, subject to any decision of the Council, may be given to them by the Chairman, for arranging the business for, and keeping the minutes of, the meetings of the Council and for conveying the decisions of the Council to the appropriate person or authority, and shall have such other functions as the Council may from time to time decide.

(3) The appointment of each Joint Secretary may at any time be terminated by the Chairman of the Council (in the case of the Secretary appointed by him) or by the Prime Minister (in the other case):

Provided that the provisions of this subsection shall apply only to the appointment of a person as Joint Secretary and not to his appointment as a public officer.

PART VIII

Defence and External Affairs

Reservation to United Kingdom Government

72.—(1) Subject to the provisions of this Part of this Order, defence and external affairs shall be the responsibility of the Government of the United Kingdom.

(2) For the discharge of this responsibility and for the fulfilment and protection of its Commonwealth and international obligations and interests, the Government of the United Kingdom shall, without prejudice to the other provisions of this Order, have full right to the occupation, control and use of such bases and installations in Singapore, and shall be entitled to such facilities in relation thereto and in relation to any agencies which it may consider expedient to maintain in Singapore for the purposes of the aforesaid responsibility, obligations and interests, as it may from time to time consider necessary.

(3) The provisions of section 19 of this Order shall apply to the aforesaid bases and installations and the premises of the aforesaid agencies, to the official archives of those agencies and to the official staff of those agencies as they apply respectively to the official premises, official archives and official staff of the United Kingdom Commissioner.

Delegation of United Kingdom Government's responsibility

73.—(1) The Government of Singapore, acting with the assent of the Government of the United Kingdom, shall be responsible for the conduct of matters concerning the trade and cultural relations of Singapore with other countries.

(2) The scope of the responsibility which is vested in the Government of Singapore by the preceding subsection shall be defined in a communication made to that Government by the Government of the United Kingdom; and any such communication may also, from time to time, delegate responsibility for the conduct, with the assent of the Government of the United Kingdom, of other matters relating to external affairs.

(3) Every communication made by the Government of the United Kingdom under this section shall be published in the Gazette.

(4) Subsection (3) of section 32 of the Interpretation Act, 1889, shall apply to the power conferred by this section to make communications as it applies to the power conferred by an Act of Parliament to make rules, regulations or byelaws.

Procedure for safeguarding discharge of United Kingdom Government's responsibilities

74.—(1) The Government of the United Kingdom may, whenever it is of the opinion that the discharge of its responsibilities for defence or external affairs so requires, request the Government of Singapore, by a communication made through the United Kingdom Commissioner, to take any action specified in that communication or to discontinue or refrain from any action which is so specified; and, subject to the provisions of subsection (8) of this section, the Government of Singapore shall, as soon as may be, comply with any such request except to the extent that the Internal Security Council decides, in accordance with the provisions of subsection (7) of this section, that the subject-matter of the request is a matter of internal security and not of defence or external affairs.

(2) If the United Kingdom Commissioner is satisfied that the provisions of the preceding subsection have not been complied with, he may, by writing under his official seal, so inform the Yang di-Pertuan Negara and advise him to make an Order giving effect to the request of the Government of the United Kingdom; and the Yang di-Pertuan Negara shall make an Order accordingly.

(3) The United Kingdom Commissioner may from time to time, by writing under his official seal, advise the Yang di-Pertuan Negara to make a further Order revoking or amending any Order made under this section, but before tendering such advice he shall inform the Government of Singapore of his intention to do so; and, except to the extent that the Internal Security Council decides, in accordance with the provisions of subsection (7) of this section, that the subject-matter of the request is a matter of internal security and not of defence or external affairs, the Yang di-Pertuan Negara shall, subject to the provisions of subsection (8) of this section, make such further Order.

(4) Every Order made by the Yang di-Pertuan Negara under this section shall have the force of law, and shall be published in the Gazette.

(5) Without prejudice to the generality of the foregoing provisions of this section, if the United Kingdom Commissioner is of the opinion that any Bill which has been introduced in the Assembly would, if enacted, prejudice the discharge by the Government of the United Kingdom of its

responsibilities for defence or external affairs, he may advise the Yang di-Pertuan Negara to reserve that Bill for the signification of Her Majesty's pleasure, but before tendering such advice he shall inform the Government of Singapore of his intention so to do and shall indicate the provisions of the Bill which he considers would prejudice the discharge of the said responsibilities.

(6) Subject to the provisions of subsections (7) and (8) of this section, the Yang di-Pertuan Negara, if so advised by the United Kingdom Commissioner under the preceding subsection, shall reserve for Her Majesty's pleasure any Bill which is presented to him for assent.

(7) If the Government of Singapore is of the opinion that the subject-matter of—

(*a*) any request communicated to it under subsection (1) of this section; or

(*b*) any Order which the Yang di-Pertuan Negara is advised to make under subsection (3) of this section; or

(*c*) all of the provisions of a Bill which have been indicated in accordance with subsection (5) of this section

is a matter of internal security and not of defence or external affairs and is in consequence within the functions of the Internal Security Council, that Government may notify the United Kingdom Commissioner accordingly; and the question whether the opinion expressed in such notification is correct shall forthwith be referred to the Internal Security Council for its decision.

(8) Pending the decision of the Council under the preceding subsection—

(*a*) in the case of a request made under subsection (1) of this section, the Government of Singapore shall be obliged to comply with the request only in so far as it is a request to discontinue or refrain from any action;

(*b*) in the case of advice tendered under subsection (3) of this section, the Yang di-Pertuan Negara shall not act in accordance with that advice; and

(*c*) in the case of advice tendered under subsection (5) of this section, the Yang di-Pertuan Negara shall not assent to the Bill or refuse his assent to it or reserve it for the signification of Her Majesty's pleasure.

PART IX

PUBLIC SERVICES

Interpretation

75. Except for the purposes of sections 83, 84 and 85 of this Order, and except where the context otherwise requires, in the interpretation of this Part of this Order—

(*a*) the expression "the public service" shall not include service otherwise than in a civil capacity;

(*b*) the expression "public office" shall not include the following offices, that is to say:—

(i) the office of Judge of the Supreme Court;

(ii) the office of member of the Public Service Commission;

(iii) the office of any police officer below the rank of Inspector; or

(iv) any office the remuneration of the holder of which is calculated on a daily rate;

and the expression " public officer " shall be construed accordingly.

Public Service Commission

76.—(1) There shall be in and for Singapore a Public Service Commission which shall consist of a Chairman and four other members, all of whom shall be appointed by writing under his hand by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister.

(2) The Chairman shall be a person born in Malaya.

(3) There shall be a Deputy Chairman who shall be a person chosen by the members of the Commission from among their own number.

(4) A person appointed to be a member of the Commission shall thereafter be ineligible for appointment to any public office.

(5) At any meeting of the Commission three members who shall include either the Chairman or Deputy Chairman, and may include both of them, shall form a quorum. If a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled so to do took part therein.

(6) Before assuming the duties of his office, the Chairman and every other member of the Commission shall take and subscribe before the Chief Justice or some other Judge of the Supreme Court the appropriate Oath for the due execution of his office in the form set out in the First Schedule to this Order.

Disqualifications for appointment to the Commission

77. No person shall be appointed to be a member of the Commission who is or, within the preceding eighteen months in the case of the Chairman or six months in the case of any other member, has been—

(*a*) a public officer;

(*b*) in the employment of the City Council of Singapore or of any other local government authority in Singapore;

(*c*) a member of, or in the employment of, any corporation incorporated by the provisions of any law for the time being in force in Singapore other than the Companies Ordinance(**a**) or any law for the time being amending or replacing that Ordinance;

(*d*) a Member of the Assembly or a duly nominated candidate for election as such Member;

(*e*) a member of the City Council of Singapore or any other local government authority in Singapore or a duly nominated candidate for election as such member; or

(*f*) the holder of any office in any political association.

Tenure of Office

78.—(1) Every member of the Commission shall, unless he earlier resigns his office or is removed therefrom under this section, hold office for a period of five years from the date of his appointment, but shall be eligible for re-appointment.

(**a**) 1955 Rev. Edn. Cap. 174.

(2) If the Prime Minister, or the Chairman of the Commission after consulting with the Prime Minister, represents to the Yang di-Pertuan Negara that a member of the Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Yang di-Pertuan Negara shall refer that representation to a tribunal consisting of the Chief Justice and two other Judges of the Supreme Court nominated specially or generally for that purpose by the Chief Justice and shall, if that tribunal so recommends, remove that member from office by writing under his hand.

(3) The tribunal constituted under the preceding subsection shall regulate its own procedure and may make rules for that purpose.

Terms of service of Chairman and members of the Commission

79.—(1) The Chairman and other members of the Commission shall be paid such salary and allowances as may from time to time be determined by the Assembly, and such salary and allowances shall be charged on and paid out of the Consolidated Fund.

(2) Subject to the provisions of this Order, the terms of service of the members of the Commission shall either—

(*a*) be prescribed by or under any law made under this Order; or

(*b*) (in so far as they are not prescribed by or under any such law) be prescribed by the Yang di-Pertuan Negara.

(3) The terms of service of any member shall not be altered to his disadvantage during his continuance in office.

(4) For the purposes of the preceding subsection, in so far as the terms of service of a member depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Secretary to the Commission

80.—(1) There shall be a Secretary to the Commission who shall be a person who is a public officer and who shall be appointed by the Yang di-Pertuan Negara in accordance with the advice of the Commission.

(2) The Secretary to the Commission shall not hold his appointment as such for a period of more than four years and shall not thereafter be eligible for re-appointment as such.

(3) The Secretary to the Commission shall be responsible, in accordance with such instructions as may be given to him by the Chairman of the Commission, for arranging the business for, and keeping the minutes of, the meetings of the Commission and for conveying the decisions of the Commission to the appropriate person or authority and shall have such other functions as the Chairman may from time to time direct.

Appointment, etc. of public officers

81.—(1) Subject to the provisions of this Order, the appointment (other than an appointment to act in an office for two months or less), promotion, transfer from one Division or Service or from one class or grade to another, termination of appointment, dismissal and disciplinary control of every public officer is hereby vested in the Yang di-Pertuan Negara acting in accordance with the advice of the Commission.

(2) The promotion of public officers shall be on the basis of official qualifications, experience and merit.

(3) The power conferred by subsection (1) of this section to terminate the appointment of, dismiss or inflict any other punishment on a public officer shall not be exercised on the grounds of any act done or omitted to be done by him in relation to any judicial function conferred upon him except with the concurrence of a tribunal consisting of the Chief Justice and two other Judges of the Supreme Court nominated specially or generally for that purpose by the Chief Justice.

(4) The tribunal constituted under the preceding subsection shall regulate its own procedure and may make rules for that purpose.

(5) In any case in which it appears to the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, that the appointment of any person to a public office or the promotion, transfer or continuance in office of any public officer may be prejudicial to the security of Singapore, he shall not be obliged to act in accordance with the advice of the Commission in that respect but the following provisions shall apply, that is to say—

(*a*) in the case of any such appointment, promotion or transfer recommended by the Commission, he shall, if so advised by the Prime Minister, return the recommendation (in this section called " the original recommendation ") to the Commission together with a statement of the reasons for considering that the security of Singapore may be prejudiced by its acceptance; the Commission shall thereupon consider that statement and may then either—

(i) submit a different recommendation to the Yang di-Pertuan Negara; or

(ii) re-submit the original recommendation;

(*b*) if the Commission re-submits the original recommendation in accordance with sub-paragraph (ii) of the preceding paragraph, the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may either act in accordance with that recommendation or may require the Commission to submit a different recommendation, which the Commission shall then do;

(*c*) in the case of a public officer whose continuance in office the Yang di-Pertuan Negara considers may be prejudicial as aforesaid, he shall, if so advised by the Prime Minister, refer the case to the Commission together with a statement of the reasons for so considering; the Commission shall thereupon consider that statement and may then either—

(i) recommend the transfer of the officer or the termination of his appointment or his dismissal; or

(ii) return the case to the Yang di-Pertuan Negara without any such recommendation;

(*d*) if the Commission returns a case to the Yang di-Pertuan Negara in accordance with sub-paragraph (ii) of the preceding paragraph, the Yang di-Pertuan Negara, if so advised by the Prime Minister, shall transfer the officer or terminate his appointment or dismiss him.

(6) Where the Commission makes a different recommendation to the Yang di-Pertuan Negara under the preceding subsection, the provisions of that subsection shall apply to that recommendation as they apply to an original recommendation.

Police Officers

82.—(1) Before tendering advice to the Yang di-Pertuan Negara relating to appointments to the offices of Commissioner of Police, Deputy Commissioner of Police and Director of the Special Branch of the Police, the Commission shall submit that advice to the Internal Security Council who may once refer it back to the Commission in order that it may be reconsidered.

(2) Subsection (1) of the preceding section shall not apply to the termination of appointment, dismissal or disciplinary control of any police officer below gazetted rank but in the exercise of any function relating to the termination of appointment, dismissal or disciplinary control of any police officer of the rank of inspector which function is conferred on him by any law for the time being in force in Singapore the Yang di-Pertuan Negara shall act in accordance with the advice of the Commission.

Protection of pension rights

83.—(1) The law applicable to any pension, gratuity or other like allowance (in this section referred to as an " award ") granted to a public officer, or to his widow, children, dependants or personal representatives, shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section the relevant day is—

(*a*) in relation to an award made before the appointed day, the date on which the award was made;

(*b*) in relation to an award made on or after the appointed day to or in respect of any person who was a public officer before that day, the day immediately before that day;

(*c*) in relation to an award made to or in respect of any person who first became a public officer on or after the appointed day, the date on which he first became a public officer.

(3) For the purposes of this section, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is made, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

Pensions, etc., to be charged on the Consolidated Fund

84. Pensions, gratuities and other like allowances granted in respect of the public service shall be charged on and paid out of the Consolidated Fund.

Pension rights on transfer

85.—(1) Notwithstanding any provision of this Order relating to the circumstances in which a public officer may vacate his office, any public officer may, with the consent of the Government of Singapore (which consent shall not be unreasonably withheld), relinquish his office for the purpose of transfer to some other public office or to an office in any other public service, and if he so relinquishes his office, his claim to any pension, gratuity or other like allowance shall not thereby be prejudiced.

(2) For the purposes of this section, the expression " other public service " has the meaning given to it by the Pensions Ordinance, 1956(**a**),

(**a**) No. 22 of 1956.

as in force immediately before the appointed day, but for the said purposes the references to " the Colony " and to " the Governor " shall be replaced by references to " the State of Singapore " and " the Yang di-Pertuan Negara " respectively.

Regulations regarding Commission

86.—(1) Subject to the provisions of this Order, the Yang di-Pertuan Negara may make regulations for all or any of the following matters, that is to say—

(*a*) the division of public offices into Divisions and Services:—

(*b*) the prescribing of Schemes regulating the recruitment, service and promotion of members of such Services;

(*c*) the conduct and discipline of the public service;

(*d*) the exercise by the Commission of additional functions;

(*e*) consultation by the Commission with other persons;

(*f*) the definition and trial of offences in connection with the functions of the Commission and the imposition of penalties for such offences:

Provided that any such penalty shall consist of either a fine not exceeding two thousand dollars or imprisonment for a term not exceeding two years or both such a fine and such imprisonment;

(*g*) the protection and privileges of the members of the Commission in respect of the exercise of their functions and the protection and privileges of communications to and from the Commission and its members in the case of legal proceedings; and

(*h*) generally, for the carrying out of the provisions of this Part of this Order.

(2) Subject to the provisions of this Order, the Yang di-Pertuan Negara, acting in accordance with the advice of the Commission, may make regulations for all or any of the following matters, that is to say—

(*a*) the exercise of the functions of the Commission and the procedure of the Commission;

(*b*) the Commission's being assisted by departmental or promotion boards or by other persons;

(*c*) the delegation to the Chairman or any other member of the Commission of all or any of the functions of the Commission;

(*d*) the delegation to any authority or to any public officer of all or any of the functions of the Commission; and

(*e*) forms to be used and fees to be paid in connection with any of the functions of the Commission.

(3) Where any function of the Commission has been delegated in pursuance of paragraphs (*c*) or (*d*) of the preceding subsection and any person is aggrieved by the exercise of that function by the person or authority to whom it has been delegated, he may, by written notice given to the Secretary to the Commission within one month of the exercise of the function or within such longer time as the Commission may in any particular case allow, require the Commission to review that exercise of the function; and upon such review the Commission shall either confirm the action of the aforesaid person or authority or take, in substitution herefor, such other action as it thinks fit.

PART X

JUDICATURE

Supreme Court

87.—(1) There shall be in and for Singapore a Supreme Court having such jurisdiction and powers as may be provided by any law for the time being in force in Singapore and consisting of a Chief Justice and such Puisne Judges as may from time to time be appointed:

Provided that the office of a Judge of the Supreme Court shall not, without his consent, be abolished during his continuance in office.

(2) A person shall not be qualified for appointment as a Judge of the Supreme Court unless—

(*a*) he is qualified to practice as an advocate in a court in England, Scotland or Northern Ireland having unlimited jurisdiction either in civil or criminal matters or has been admitted to practise in the courts of Singapore; and

(*b*) he has been so qualified or admitted to practise for not less than seven years.

(3) In computing, for the purposes of the preceding subsection, the period during which any person has been qualified or admitted to practise, any period during which he has held judicial office after becoming so qualified shall be included.

Subordinate Courts

88. There shall be in and for Singapore such subordinate courts possessing such jurisdiction and powers as may be provided by any law for the time being in force in Singapore.

Chief Justice

89.—(1) The Chief Justice of Singapore shall be appointed by the Yang di-Pertuan Negara in accordance with the advice of the Prime Minister.

(2) Whenever it is necessary to make an appointment to the office of Chief Justice, otherwise than by reason of the death of the holder of that office or his removal from office under section 91 of this Order, the Prime Minister shall, before tendering advice to the Yang di-Pertuan Negara under the preceding subsection, consult the person holding that office or, if the office is then vacant, who has last vacated it.

(3) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other Judges of the Supreme Court as may, in the manner prescribed by subsections (1) and (2) of this section, be appointed to act as Chief Justice.

(4) The Prime Minister shall not be obliged to consult any person under the provisions of subsection (2) of this section if the Yang di-Pertuan Negara, acting in his discretion, is satisfied that by reason of the infirmity of body or mind of that person or for any other reason it is impracticable so to do.

Puisne Judges

90.—(1) Each Puisne Judge of the Supreme Court shall be appointed by the Yang di-Pertuan Negara in accordance with the advice of a Council consisting of the Chief Justice, the substantive Puisne Judges and the State Advocate-General:

Provided that the State Advocate-General shall not be eligible for any appointment under this subsection if he is present at a meeting of the Council while the appointment is considered.

(2) The meetings of the Council shall be presided over by the Chief Justice or, in his absence, by such Puisne Judge as the Chief Justice may nominate.

(3) All questions proposed for decision by the Council shall be decided by a majority of the votes of the members thereof present and voting; the Chief Justice or other Judge presiding shall have an original vote and, if the votes of the members are equally divided, a casting vote.

(4) Subject to the foregoing provisions of this section, the Council shall determine its own procedure.

(5) The Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof or the absence of any member from the meeting.

(6) Notwithstanding the foregoing provisions of this section, the validity of anything done by a person appointed as a Judge of the Supreme Court shall not be questioned on the ground of any irregularity in the constitution or procedure of the Council in accordance with whose advice he was appointed.

(7) If the office of a Puisne Judge of the Supreme Court is vacant, or if any such Judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Yang di-Pertuan Negara, acting in accordance with the advice of the Council referred to in subsection (1) of this section, may appoint a person to act as Judge of the Supreme Court, and any person so appointed shall, without prejudice to the provisions of the following section, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Yang di-Pertuan Negara acting in accordance with the advice of the Chief Justice:

Provided that he may at any time, by notice in writing addressed to the Yang di-Pertuan Negara, resign his acting office.

(8) Any person appointed to act as a Judge under the provisions of the preceding subsection may, notwithstanding that the period of his appointment has expired or his appointment has been revoked, sit as a Judge for the purpose of giving judgment or otherwise in relation to any proceeding heard by him while he was so acting.

Tenure of office of Judges of the Supreme Court

91.—(1) Subject to the provisions of subsections (3) to (8) inclusive of this section, a Judge of the Supreme Court shall hold office until he attains the age of sixty-two years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Negara; and

(*b*) the Yang di-Pertuan Negara, acting (in the case of the Chief Justice) in accordance with the advice of the Prime Minister and (in the case of any other Judge) in accordance with the advice of the Chief Justice, may permit a Judge who has attained the age of sixty-two years to remain in office for such fixed period as may have been agreed between the Judge and the Government of Singapore.

(2) Nothing done by a Judge of the Supreme Court shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(3) A Judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of the following subsection.

(4) A Judge of the Supreme Court shall be removed from office by the Yang di-Pertuan Negara by Order under the public seal if the question of the removal of that Judge from office has, at the request of the Yang di-Pertuan Negara made in pursuance of the following subsection, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833(**a**), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the Judge ought to be removed from office for inability as aforesaid or misbehaviour.

(5) If the Prime Minister (in the case of the Chief Justice), or the Chief Justice after consultation with the Prime Minister (in the case of any other Judge), represents to the Yang di-Pertuan Negara that the question of removing a Judge of the Supreme Court from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(*a*) the Yang di-Pertuan Negara shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Yang di-Pertuan Negara, acting in his discretion, from among persons who hold or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Yang di-Pertuan Negara and recommend to the Yang di-Pertuan Negara whether he should request that the question of the removal of that Judge should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Yang di-Pertuan Negara shall request that the question should be referred accordingly.

(6) The provisions of the Inquiry Commissions Ordinance(**b**), as in force immediately before the appointed day, which are set out in the first column of the Second Schedule to this Order shall, with the amendments thereto which are set out in the second column of that Schedule, apply in relation to tribunals appointed under the preceding subsection or, as the context may require, to the members of such a tribunal as they apply in relation to Commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Order.

(**a**) 3 & 4 Will. 4. c. 41. (**b**) 1955 Rev. Edn. Cap. 52.

(7) If the question of removing a Judge of the Supreme Court from office has been referred to a tribunal under subsection (5) of this section, the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister (in the case of the Chief Justice), or of the Chief Justice after the Chief Justice has consulted with the Prime Minister (in the case of any other Judge), may suspend the Judge from performing the functions of his office.

(8) Any such suspension may at any time be revoked by the Yang di-Pertuan Negara, acting with the concurrence of both the Prime Minister and the Chief Justice, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Yang di-Pertuan Negara that he should not request that the question of the removal of a Judge from office should be referred by Her Majesty to the Judicial Committee; or

(*b*) the Judicial Committee advises Her Majesty that the Judge ought not to be removed from office.

Terms of office of Judges of the Supreme Court

92.—(1) Subject to the provisions of this Order, the terms of office of the Judges of the Supreme Court shall either—

(*a*) be prescribed by or under any law made under this Order; or

(*b*) (in so far as they are not prescribed by or under any such law) be prescribed by the Yang di-Pertuan Negara.

(2) The Judges of the Supreme Court shall be paid such remuneration and allowances as may from time to time be prescribed by or under any law for the time being in force in Singapore, or, if not so prescribed, determined by the Assembly, and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(3) The terms of office of a Judge of the Supreme Court shall not be altered to his disadvantage during his continuance in office.

(4) For the purposes of the preceding subsection, in so far as the terms of office of any person depend on the option of that person, the terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Legal Service Commission: appointment, etc., of subordinate judiciary and other legal officers

93.—(1) There shall be, in and for Singapore, a Legal Service Commission, and, subject to the provisions of sections 30, 89, 90 and 91 of this Order, the appointment, promotion and transfer of all officers in the public service who are required to possess legal qualification for their appointment is hereby vested in the Yang di-Pertuan Negara acting in accordance with the advice of that Commission.

(2) The Legal Service Commission shall consist of the following persons, that is to say—

(*a*) the Chief Justice, as President;

(*b*) the Chairman of the Public Service Commission;

(*c*) a Judge of the Supreme Court nominated generally or specially by the Chief Justice;

(*d*) the State Advocate-General; and

(*e*) not more than two members of the Public Service Commission nominated generally or specially by the Chairman.

(3) At any meeting of the Legal Service Commission a quorum shall be constituted if there are present not less than four members who shall include the Chief Justice and a Judge of the Supreme Court; and if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(4) All questions proposed for decision by the Legal Service Commission shall be decided by a majority of votes of the members thereof present and voting; the Chief Justice shall have an original vote and, if the votes of the members are equally divided, a casting vote.

(5) The Secretary and other staff of the Public Service Commission shall act as the Secretary and staff of the Legal Service Commission and, subject to the foregoing provisions of this section, the provisions of section 86 of this Order shall (where appropriate) apply to the Legal Service Commission and to the officers referred to in subsection (1) of this section as they apply respectively to the Public Service Commission and to other public officers.

Saving for Judges from other territories

94. Nothing in this Order shall operate to render invalid any provision of any law for the time being in force in Singapore whereby a Judge of a court of any country outside Singapore may be a Judge of the Supreme Court.

PART XI

FINANCE

The Consolidated Fund

95. There shall be in and for Singapore a Consolidated Fund into which, subject to the provisions of any law for the time being in force in Singapore, shall be paid all revenues of Singapore not allocated to specific purposes.

Estimates

96.—(1) The Minister responsible for finance shall, before the end of each financial year, cause to be prepared annual estimates of revenue and expenditure for public services during the succeeding financial year, which, when approved by the Cabinet, shall be laid before the Assembly.

(2) The estimates of expenditure shall show separately the sums required to meet statutory expenditure (as defined in subsection (4) of the following section) and the sums required to meet other expenditure proposed to be paid out of the Consolidated Fund.

Authorisation of expenditure

97.—(1) The Minister responsible for finance shall, in respect of each financial year, at the earliest convenient moment, introduce into the Assembly an Appropriation Bill containing, under appropriate heads for the several services required, the estimated aggregate sums which are proposed to be expended (otherwise than by way of statutory expenditure) during that financial year.

(2) Whenever—

(*a*) any moneys are expended or are likely to be expended in any financial year upon any service which are in excess of the sum provided for that service by the Appropriation law relating to that year, or

(*b*) any moneys are expended or are likely to be expended (otherwise than by way of statutory expenditure) in any financial year upon any new service not provided for by the Appropriation law relating to that year,

supplementary estimates (or, as the case may be, statements of excess) shall be prepared by the Minister responsible for finance and, when approved by the Cabinet, shall be laid before and voted on by the Assembly; in respect of all supplementary expenditure so voted the Minister responsible for finance may, at any time before the end of the financial year, introduce into the Assembly a Supplementary Appropriation Bill containing, under appropriate heads, the estimated aggregate sums so voted and shall, as soon as possible after the end of each financial year, introduce into the Assembly a Final Appropriation Bill containing any such sums which have not yet been included in any Appropriation Bill.

(3) That part of any estimate of expenditure laid before the Assembly which shows statutory expenditure shall not be voted on by the Assembly, and such expenditure shall, without further authority of the Assembly, be paid out of the Consolidated Fund.

(4) For the purposes of this section and the preceding section statutory expenditure means—

(*a*) expenditure charged on the Consolidated Fund or on the general revenues and assets of Singapore by virtue of the provisions of subsection (3) of section 12, subsection (7) of section 30, section 36, subsection (3) of section 37, subsection (1) of section 79, section 84, subsection (2) of section 92, section 100, subsection (3) of section 101, subsection (5) of section 107, and subsection (4) of section 118 of this Order and of the Second Schedule thereto or by virtue of the provisions of any other law for the time being in force in Singapore; and

(*b*) the interest on the public debt, sinking fund payments and the costs, charges and expenses incidental to the management of the public debt.

Meeting expenditure from the Consolidated Fund

98.—(1) No sum shall be paid out of the Consolidated Fund or other government funds except upon the authority of a warrant under the hand of the Minister responsible for finance.

(2) Subject to the provisions of this Order, no such warrant shall be issued for any sum unless the expenditure of that sum has been authorised for specific public services for the financial year to which the warrant relates—

(i) by inclusion in estimates laid before the Assembly and approved by resolution of the Assembly, or

(ii) by any law.

(3) The Assembly may, by resolution approving estimates containing a vote on account, authorise expenditure for part of any year before the

passing of the Appropriation law for that year, but the aggregate sums so voted shall be included, under the appropriate heads, in the Appropriation Bill for that year.

(4) If an Appropriation Bill has not become law by the first day of the financial year to which it relates, the Minister responsible for finance may, with the prior approval of the Cabinet, authorise such expenditure (not otherwise authorised by law) from the Consolidated Fund or other government funds as he may consider essential for the continuance of the public services shown in the estimates until the Appropriation Bill becomes law:

Provided that the expenditure so authorised for any service shall not exceed one-quarter of the amount voted for that service in the Appropriation law for the preceding year.

Contingencies Fund

99.—(1) The Assembly may, by law enacted under this Order, create a Contingencies Fund and authorise the Minister responsible for finance to make advances from that Fund if he is satisfied that there is an urgent and unforeseen need for expenditure for which no provision or no sufficient provision has been made by an Appropriation law.

(2) Where any advance is made by virtue of the authority conferred under the preceding subsection, a supplementary estimate of the sum required to replace the amount so advanced shall as soon as practicable be laid before and voted on by the Assembly and the sum so voted shall be included in a Supplementary Appropriation Bill or a Final Appropriation Bill.

The Public Debt

100. The public debt of Singapore is hereby charged on the Consolidated Fund.

Director of Audit

101.—(1) There shall be in and for Singapore a Director of Audit who shall be appointed by the Yang di-Pertuan Negara in accordance with the advice of the Prime Minister after the Prime Minister has consulted with the Public Service Commission.

(2) A person who has held the office of Director of Audit shall not be eligible for any other appointment as a public officer but shall be eligible for re-appointment as Director of Audit.

(3) The Director of Audit shall be paid such remuneration and allowances as may from time to time be determined by the Assembly, and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(4) The terms of service of the Director of Audit shall not be altered to his disadvantage during his continuance in office.

(5) For the purposes of the preceding subsection, in so far as the terms of service of the Director of Audit depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

(6) Subject to the provisions of this Order, the terms of service of the Director of Audit shall either—

(*a*) be determined by or under a law made under this Order; or

(*b*) (in so far as they are not determined by or under any such law) be determined by the Yang di-Pertuan Negara.

Tenure of office of Director of Audit

102.—(1) Subject to the provisions of subsection (3) of this section, the Director of Audit shall hold office until he attains the age of fifty-five years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Negara; and

(*b*) the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may permit a Director of Audit who has attained the age of fifty-five years to remain in office for such fixed period as may have been agreed between the Director of Audit and the Government of Singapore.

(2) Nothing done by the Director of Audit shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(3) If the Prime Minister, or the Chairman of the Public Service Commission after consulting the Prime Minister, represents to the Yang di-Pertuan Negara that the Director of Audit ought to be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Yang di-Pertuan Negara shall refer the representation to a tribunal consisting of the Chief Justice and two other Judges of the Supreme Court nominated specially or generally for that purpose by the Chief Justice, and shall, if that tribunal so recommends, remove the Director of Audit from office.

(4) The Tribunal constituted under the preceding subsection shall regulate its own procedure and may make rules for that purpose.

Powers and duties of the Director of Audit

103.—(1) The accounts of all departments and offices of the Government of Singapore (including the office of the Public Service Commission) and the accounts of the Supreme Court, of all subordinate courts and of the Assembly shall be audited and reported on by the Director of Audit who, with his subordinate staff, shall at all times be entitled to have access to all books, records, returns and reports relating to such accounts.

(2) The Director of Audit shall submit his reports made under the preceding subsection to the Yang di-Pertuan Negara who shall cause them to be laid before the Assembly.

(3) The Director of Audit shall perform such other duties and exercise such other powers in relation to the accounts of the Government of Singapore and the accounts of other public authorities and other bodies administering public funds as may be prescribed by or under any law enacted under this Order.

PART XII

AMENDMENT AND SUSPENSION OF THE CONSTITUTION

Amendment by Order in Council

104. Her Majesty shall have power, with the advice of Her Privy Council, to amend, add to, or revoke and replace this Order:

Provided that (without prejudice to the provisions of section 106 of this Order) the power conferred by this section shall not be exercised in respect of the provisions of this Order other than section 106 thereof except with the concurrence of the Government of Singapore.

Amendment by Legislative Assembly

105. The Assembly may, by law enacted under this Order, amend, add to, replace or revoke any of the provisions of this Order set out in the first column of the Third Schedule to this Order to the extent specified in the second column of that Schedule:

Provided that no Bill for that purpose shall be deemed to be passed unless at the final vote thereon it has received the affirmative vote of not less than two-thirds of all the Members of the Assembly.

Suspension

106.—(1) If at any time the Government of the United Kingdom is satisfied that the situation in Singapore is such as to threaten the ability of that Government to discharge its responsibilities for defence and external affairs or that the Government of Singapore has acted in contravention of the Constitution of Singapore (as contained in this Order or in any other law from time to time amending, adding to, replacing or revoking any of the provisions of this Order, or in any instructions referred to in section 5 of this Order), the following provisions shall have effect:—

(*a*) Her Majesty may by Order in Council—

(i) suspend the operation of this Order or any of the provisions thereof; and

(ii) make such provision (including a provision enabling Her Majesty in Council or any other authority to make laws for the peace, order and good government of Singapore) as appears to Her Majesty to be necessary or expedient for the government of Singapore during any such suspension; and

(iii) modify any provisions of this Order (not for the time being suspended) in such manner as appears to Her Majesty to be necessary or expedient by reason of such suspension or by reason of any provision made under the preceding sub-paragraph.

(*b*) While any such suspension is in force under the preceding paragraph, Her Majesty may, by Order in Council, amend, add to, or revoke and replace this Order.

(*c*) If the Government of the United Kingdom is satisfied that it is necessary, by reason of urgency, to effect such suspension forthwith, the United Kingdom Commissioner may, in pursuance of instructions from the Government of the United Kingdom, by Proclamation

make provision enabling himself to assume the government of Singapore pending the making of an Order in Council under this section:

Provided that the question whether the United Kingdom Commissioner has in any matter acted in accordance with any such instructions shall not be enquired into by any court.

(*d*) Any Proclamation under the preceding paragraph may—

(i) confer upon the United Kingdom Commissioner legislative and executive functions;

(ii) suspend, amend, add to or replace any provisions of this Order;

(iii) be amended, added to, revoked or replaced by further Proclamation;

and, when an Order in Council under paragraph (*a*) of this subsection has been made and brought into operation, any such Proclamation shall be deemed to be revoked except so far as may be otherwise provided in any such Order in Council.

(2) During any suspension under this section of any provision of this Order, any provision not so suspended and any other law for the time being in force in Singapore shall be construed with any adaptations or modifications which may be necessary by reason of such suspension or to bring it into conformity with any provision made under this section.

(3) During any suspension under this section of any provision of this Order, every public officer shall, subject to any other provision made by the instrument effecting such suspension or by any instrument amending, adding to, replacing or revoking that instrument or by any authority competent during the suspension so to provide, continue to discharge the duties of the office held by him immediately before the suspension.

(4) Any Order made under subsection (1) of this section may be amended, added to, replaced or revoked by further Order of Her Majesty in Council.

(5) (*a*) Any suspension under this section shall continue in force until revoked by Order of Her Majesty in Council and any Order revoking a suspension may make such incidental or consequential provisions as appear to Her Majesty to be necessary or expedient; and, subject to any such incidental or consequential provisions, any provision made under paragraph (*a*) or paragraph (*c*) of subsection (1) of this section shall, upon such revocation, cease to have effect.

(*b*) The reference in the preceding paragraph to a provision made under paragraph (*a*) or paragraph (*c*) of subsection (1) of this section shall be construed as including a reference to an Order or a Proclamation amending, adding to or replacing any such provision.

PART XIII

Temporary and Transitional Provisions

First Yang di-Pertuan Negara and United Kingdom Commissioner

107.—(1) Notwithstanding the provisions of Part II of this Order, the office of Yang di-Pertuan Negara shall, for the period of six months commencing with the appointed day, be held by the person for the time being holding the substantive office of United Kingdom Commissioner.

(2) Whenever, during the said period, some person other than the substantive holder is performing the functions of the office of United Kingdom Commissioner, the functions of the office of Yang di-Pertuan Negara shall be performed as provided by subsection (1) of section 7 of this Order.

(3) Before assuming the functions of the office of Yang di-Pertuan Negara, the United Kingdom Commissioner shall take the Oaths directed by this Order to be taken by the Yang di-Pertuan Negara.

(4) During the said period of six months, the Yang di-Pertuan Negara shall not receive a Civil List but shall receive such sums by way of remuneration and allowances as were payable to the Governor immediately before the appointed day, and shall be entitled to such other benefits and facilities as, immediately before the appointed day, were enjoyed by the Governor by virtue of his office.

(5) The remuneration and allowances which are payable under this section shall be charged on and paid out of the Consolidated Fund, and no account shall be taken, in the assessment of any income tax which may be payable under any law for the time being in force in Singapore, of the remuneration of the Yang di-Pertuan Negara payable under this section or of the said allowances or of the value of any benefits and facilities as aforesaid.

(6) (*a*) Where the person holding the office of first Yang di-Pertuan Negara under this section is a person who, immediately before the appointed day, holds an office in the public service (including the office of Governor), he shall, upon relinquishing the office of Yang di-Pertuan Negara, be entitled to the leave (commencing with the day after the date upon which he so relinquishes office) for which he is then eligible under the terms of service applicable to him immediately before the appointed day.

(*b*) Whilst any person referred to in the preceding paragraph holds the office of Yang di-Pertuan Negara and whilst he is on leave under the provisions of that paragraph, he shall continue to hold office in the public service and shall hold office on the same terms of service as were applicable to him immediately before the appointed day.

State Advocate-General

108. Until a person is appointed under the provisions of section 30 of this Order to be State Advocate-General, the functions of that office shall, as from the appointed day, be performed by the Solicitor-General.

Secretary to Cabinet

109.—(1) Until a person is appointed under the provisions of section 32 of this Order to be the Secretary to the Cabinet, the functions of that office shall, as from the appointed day, be performed by the person who, immediately before that day, holds the office of Second Clerk to the Council of Ministers.

(2) For the purposes of section 117 of this Order, any person who performs the functions of the office of Secretary to the Cabinet under this section shall—

(*a*) so long as he performs those functions, be deemed to hold that office; and

(*b*) hold any office in the public service to which he may thereafter be appointed as if he had held it as from the appointed day by virtue of having, immediately before that day, held the office of Second Clerk to the Council of Ministers.

First Speaker

110.—(1) The person last holding the office of Speaker of the Legislative Assembly of the Colony of Singapore shall be the first Speaker of the first Assembly and shall hold that office as if he had been elected under the provisions of section 35 of this Order from among persons who are not Members of the Assembly.

(2) If the first Speaker has not previously vacated his office under the provisions of section 35 of this Order, he shall vacate it at the end of one year commencing with the appointed day but may be again elected as Speaker.

(3) For the purposes of sections 36, 46 and 117 of this Order, the first Speaker shall be deemed to hold his office as from the appointed day.

Preservation of Singapore Colony (Electoral Provisions) Order in Council, 1958

111. Nothing in Part V of this Order shall affect the continued operation of the provisions of the Singapore Colony (Electoral Provisions) Order in Council, 1958.

Public Service Commission Ordinance repealed

112.—(1) Subject to the provisions of this section, the Public Service Commission Ordinance, 1956(a), is hereby repealed.

(2) Sections 17, 18, 19, 20, 21 and 22 of the said Ordinance, any notification made by the Governor under section 12 thereof, any direction given by the Governor in Council under section 23 thereof, and any regulations made by the Governor in Council under subsection (1) of section 24 thereof shall, subject to the provisions of this Order, continue in force on and after the appointed day as if they were regulations made by the Yang di-Pertuan Negara under section 86 of this Order, and may accordingly be amended or revoked by any further regulations so made by the Yang di-Pertuan Negara.

(3) The provisions referred to in the preceding subsection shall, on and after the appointed day, be construed with any adaptations and modifications which may be necessary to bring them into conformity with the Act and this Order.

Public Service Commission

113.—(1) Until such time as the Chairman and other members of the Public Service Commission are appointed under the provisions of Section 76 of this Order, the functions of those officers shall be performed by the persons who, immediately before the appointed day, are the Chairman and other members of the Public Service Commission constituted under the Ordinance referred to in the preceding section; and until such time as aforesaid the provisions of this Order shall apply to those persons as if they had been appointed under Section 76 hereof.

(a) No. 41 of 1956.

(2) The members of the Public Service Commission, other than the Chairman, first appointed under Section 76 of this Order, shall hold office for periods of two, three, four and five years respectively, the allocation of those periods being decided by lot.

(3) (*a*) Until a person is appointed as Secretary to the Public Service Commission under the provisions of section 80 of this Order, the functions of the Secretary shall, as from the appointed day, be performed by the person who, immediately before that day, is the Secretary to the Public Service Commission constituted under the aforesaid Ordinance.

(*b*) For the purposes of subsection (2) of the said section 80, no regard shall be had to any period during which any person was Secretary to the Commission constituted under the aforesaid Ordinance or during which any person performed the functions of Secretary under this subsection.

Existing Courts

114. The Supreme Court in existence immediately before the appointed day shall be the Supreme Court for the purposes of this Order; and any subordinate court constituted in and for the Colony of Singapore immediately before the appointed day shall, until it is otherwise provided by a law enacted under this Order, continue in existence on and after that day.

Existing Judges, etc.

115.—(1) The Chief Justice and other Judges of the Supreme Court and the officers thereof and the judges, magistrates and officers of the subordinate courts holding office immediately before the appointed day shall, notwithstanding anything in Part X of this Order, hold their respective offices as from that day as if they had been duly appointed thereto under the provisions of that Part, and the provisions of this Order shall apply to them accordingly.

(2) A Judge of the Supreme Court who holds his office as from the appointed day by virtue of the preceding subsection and who has received a notice from the Governor of the kind provided for in subsection (1) of section 4 of the Retirement from the Public Service (Compensation) Ordinance, 1956(**a**), specifying the minimum period for which he will continue to be employed in the public service, shall, unless he has previously resigned his office by writing under his hand addressed to the Yang di-Pertuan Negara and subject to the provisions of subsections (3) to (8) inclusive of section 91 of this Order and subsection (3) of this section, vacate his office upon the expiration of the period specified in that notice.

(3) Any Judge referred to in the preceding subsection may, at any time before the expiration of the period specified as aforesaid or before the expiration of any extended tenure of office agreed under this subsection, agree with the Government of Singapore that his tenure of office shall be extended for a further fixed period and he shall then, subject to the provisions of subsections (3) to (8) inclusive of section 91 of this Order and unless he previously resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara, continue in office for that further period, and, unless a further such extension is agreed in like manner, shall then vacate his office.

(**a**) No. 43 of 1956.

Other public officers to continue in office

116.—(1) Subject to the provisions of this Order, every person who, immediately before the appointed day, holds a public office shall, as from that day, hold the like office in the public service.

(2) The preceding subsection shall not apply to the following persons, that is to say:—

(*a*) the Governor;

(*b*) the Chief Secretary;

(*c*) the Attorney-General;

(*d*) the Financial Secretary; and

(*e*) the Governor's Secretary and Clerk to the Council of Ministers;

and for the purposes of this section a person shall not be considered as holding a public office immediately before the appointed day if he is not so considered for the purposes of the Singapore Colony Orders in Council, 1955 and 1956.

(3) Any person who, immediately before the appointed day, holds a public office and who does not, by virtue of any other provision of this Order, hold an office in the public service of Singapore shall be entitled to the leave (commencing with the appointed day) for which, under the terms of service applicable to him immediately before that day, he is then eligible.

(4) Whilst any person is on leave under the provisions of the preceding subsection, he shall continue to hold office in the public service and shall hold office on the same terms of service as were applicable to him immediately before the appointed day.

Terms of service of persons who continue in office

117.—(1) Save where other provision is made by this Order, any person who, under the provisions of this Part of this Order, holds any office as from the appointed day by virtue of having been the holder of any office immediately before that day shall, as from that day, be entitled to the same terms of service (or terms of office) as were applicable to him immediately before that day, and those terms, in so far as they relate to remuneration, shall not be altered to his disadvantage during his continuance in the public service on and after that day.

(2) For the purposes of this section, in so far as the terms of service (or terms of office) of any person depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Protection of compensation rights

118.—(1) The Retirement from the Public Service (Compensation) Ordinance, 1956, and any instrument made under that Ordinance, shall continue in force on and after the appointed day with the modifications set out in the Fourth Schedule to this Order; and any such modification shall (unless the context otherwise requires) be deemed, on and after that day, to have had effect as from the date of the original enactment of the Ordinance.

(2) Subject to the provisions of the following subsection, the said Ordinance may be amended or repealed by any law enacted under this Order.

(3) The references in section 83 of this Order to an award shall include references to the rights conferred on officers by the said Ordinance and, for the purposes of that section, the relevant day in respect of such rights shall be the day immediately before the appointed day.

(4) All sums payable by way of compensation, pension or gratuity under the said Ordinance shall be charged on and paid out of the Consolidated Fund.

Mode of payment of pensions, etc.

119.—(1) In this section—

"entitled officer" means a person who is treated as an entitled officer for the purposes of the Retirement from the Public Service (Compensation) Ordinance, 1956, as in force immediately before the appointed day;

"pension" means any pension, gratuity or other like allowance payable by the Government of Singapore, under the relevant pensions law, to or in respect of an entitled officer or any person who, if he had been serving in the public service immediately before the 1st day of January, 1957, would have been an entitled officer; and any sum by way of pension, gratuity or compensation payable by the Government of Singapore to or in respect of any entitled officer under the Retirement from the Public Service (Compensation) Ordinance, 1956, as modified by the preceding section; and any pension payable to the widow, children, dependants or personal representatives of an entitled officer or of any such person as aforesaid, and any contribution repayable and interest payable to an entitled officer or to any such person as aforesaid under any law providing for the payment of pensions to the widows and children of public officers;

"pensioner" means the person for the time being entitled to the payment of a pension or, if that person is a minor, his lawful guardian; and

"the relevant pensions law" in relation to any person means the law relating to a pension, gratuity or other like allowance applicable to him under the provisions of this Order.

(2) All pensions which under this section are payable elsewhere than in Singapore shall, on and after the appointed day, be paid in sterling and shall be calculated at the rate of two shillings and four pence to one Malayan dollar.

(3) Every entitled officer eligible for a pension who retires on or after the appointed day shall exercise before his retirement or before the end of a period of six months beginning with the appointed day (whichever is the later) an option whether his pension, and after his death any pension payable to his widow, children or any dependant, or his personal representatives, shall be paid in Singapore or elsewhere.

(4) Where, on the death of an entitled officer, a pension becomes payable into his estate or to his widow, children or any dependant, or his personal representatives, an option whether the pension shall be paid in Singapore or elsewhere may be exercised by the pensioner within one year of the death of the officer and, if so exercised, shall be substituted for any option exercised under the preceding subsection.

(5) Every person who is being paid a pension by the Government of Singapore immediately before the appointed day shall exercise an option as aforesaid before the end of a period of six months beginning with

that day, but if no option is exercised within that period, an option shall be deemed to have been exercised for the payment of the pension in the same place as that in which it was being paid immediately before the appointed day.

(6) Where an option is exercised in accordance with this section for the payment of a pension in Singapore, the option may be revoked and a fresh option exercised by the pensioner if the pensioner no longer resides in Singapore.

(7) Where an option is exercised in accordance with this section for the payment of a pension elsewhere than in Singapore, the pension shall be payable in any country outside Singapore according as the pensioner may, by notice in writing, from time to time request, or, if the pensioner becomes resident in Singapore, the option may be revoked and a fresh option exercised for the payment of the pension in Singapore.

(8) The revocation or exercise of an option under this section shall be made by notice in writing and shall take effect on the date on which the notice is received.

Waiver of necessity for taking oaths

120. Any person who, under the provisions of this Part of this Order, holds any office as from the appointed day by virtue of having been the holder of any office immediately before that day shall be deemed to have complied with the requirement of any law for the time being in force in Singapore relating to the taking of oaths on appointment to the first-named office.

Existing laws

121.—(1) Without prejudice to the provisions of sections 112 and 118 of this Order, all laws to which this section applies and which are in force immediately before the appointed day shall, subject to amendment or repeal by the competent authority, continue in force as from that day and all laws to which this section applies and which have not been brought into force by the beginning of the appointed day may, subject as aforesaid, be brought into force on or after that day, but all such laws shall, subject to the provisions of this section, be construed as from the appointed day with any adaptations and modifications which may be necessary to bring them into conformity with the Act and this Order.

(2) Without prejudice to the generality of the preceding subsection but subject to the provisions of section 118 of this Order, in any law to which this section applies and which either continues in force as from the appointed day or is brought into force on or after that day, unless the context otherwise requires—

(*a*) any reference to the Colony of Singapore shall, in relation to any period beginning on or after the appointed day, be construed as a reference to the State of Singapore;

(*b*) any reference to the Governor or to the Governor in Council shall in relation to any such period, be construed as a reference to the Yang di-Pertuan Negara;

(*c*) any reference to the Chief Secretary or the Financial Secretary shall, in relation to any such period, be construed as a reference to the Minister for the time being charged with the responsibility for the subject in relation to which the reference is made;

(*d*) any reference to the Attorney-General shall, in relation to any such period, be construed as a reference to the State Advocate-General if

the subject in relation to which the reference is made concerns the powers conferred on the State Advocate-General by this Order and in any other case as a reference to the Minister for the time being charged with the responsibility for that subject;

(*e*) any reference to the Council of Ministers or to the Governor's Secretary and Clerk to the Council of Ministers shall, in relation to any such period, be construed as a reference to the Cabinet or to the Secretary to the Cabinet, as the case may be;

(*f*) any reference to the Legislative Assembly of the Colony of Singapore shall, in relation to any such period, be construed as a reference to the Assembly constituted under this Order; and

(*g*) any reference to any other person holding a public office under the Government of the Colony of Singapore or to any other authority or body constituted in or for that Colony shall, in relation to any such period, be construed as a reference to the corresponding public officer or corresponding authority or body.

(3) The Yang di-Pertuan Negara may by order declare, for the purposes of paragraphs (*c*) or (*d*) of the preceding subsection, which Minister is the Minister charged with any particular responsibility referred to in that paragraph, and may similarly declare, for the purposes of paragraph (*g*) of that subsection, who is the corresponding public officer or what is the corresponding authority or body referred to in that paragraph.

(4) (*a*) The Yang di-Pertuan Negara may, by order made within a period of two years beginning with the appointed day and published in the Gazette, make such adaptations and modifications in any law to which this section applies as appear to him to be necessary or expedient by reason of anything contained in the Act or this Order.

(*b*) Any order made under this subsection may be amended or repealed by a further order so made.

(5) (*a*) The Governor may, by order made at any time before the appointed day and published in the Gazette of the Colony of Singapore, make such adaptations and modifications in any law to which this section applies as appear to him to be expedient or necessary by reason of anything contained in the Act or this Order.

(*b*) Any order made under this subsection may be amended or repealed by any further order so made or by any order made under the preceding subsection.

(*c*) This subsection shall come into operation on the 28th day of November, 1958.

(6) Any order made under subsections (4) and (5) of this section shall have effect from such date, not earlier than the appointed day, as may be specified therein.

(7) The laws to which this section applies are any enactments of any legislature in Singapore enacted before the appointed day and any instruments made before the appointed day by virtue of any such enactment.

Continuation of proceedings

122.—(1) Any proceedings pending in any court immediately before the appointed day to which Her Majesty in Her Government of the Colony of Singapore or any department or officer of that Government is a party shall continue on and after that day with Her Majesty in Her

Government of the State of Singapore or the corresponding department or officer of the latter Government substituted as a party; and any such proceedings may be amended in any manner which is necessary in order to bring them into conformity with the Act and this Order.

(2) The Yang di-Pertuan Negara may, in any case, by order declare which is the corresponding department or who is the corresponding officer for the purposes of this section.

Removal of difficulties

123.—(1) If any difficulty arises in bringing into operation any of the provisions of this Order, or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him to be necessary or expedient for the purpose of removing the difficulty and may, by such Order, amend any of the provisions of this Order with effect from such date, not earlier than the appointed day, as may be specified in the Order:

Provided that no Order shall be made under this section after the expiry of a period of two years beginning with the appointed day.

(2) This section shall come into operation on the 28th day of November, 1958.

W. G. Agnew.

SCHEDULES

Sections 6, 23, 28, 35, 58, 76

FIRST SCHEDULE

Oath of Allegiance

I, ..., do swear that I will be faithful and bear true allegiance to HER MAJESTY QUEEN ELIZABETH II, Her Heirs and Successors, according to Law. So help me God.

Oath for the due Execution of the Office of Yang di-Pertuan Negara.

I, ..., do swear that I will well and truly serve HER MAJESTY QUEEN ELIZABETH II, Her Heirs and Successors, in the office of Yang di-Pertuan Negara. So help me God.

Oath for the due Execution of the Office of Prime Minister or other Minister or Assistant Minister.

I, ..., being chosen and appointed *Prime Minister/Minister/Assistant Minister* of the State of Singapore, do swear that I will to the best of my judgment at all times when so required freely give my counsel and advice to the Yang di-Pertuan Negara (or any person for the time being lawfully performing the functions of that office) for the good management of the public affairs of the State of Singapore, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Assistant Minister and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of the State of Singapore, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as a *Minister/Assistant Minister* or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful *Prime Minister/Minister/Assistant Minister*. So help me God.

OATH FOR THE DUE EXECUTION OF THE OFFICE OF CHAIRMAN OR OTHER MEMBER OF THE PUBLIC SERVICE COMMISSION.

I,....., having been appointed to be *Chairman/a Member* of the Public Service Commission do swear that I will freely and without fear or favour, affection or ill-will, give my counsel and advice in connection with all matters that may be referred to the Public Service Commission and that I will not directly or indirectly reveal any such matters to any unauthorised person or otherwise than in the course of duty. So help me God.

Section 91

SECOND SCHEDULE

MODIFICATIONS OF INQUIRY COMMISSIONS ORDINANCE FOR THE PURPOSES OF PART X

Column 1		*Column* 2
Section 3	...	For the words " the Governor " there shall be substituted the words " the Yang di-Pertuan Negara, acting in his discretion,".
Section 6	...	For the words " the Governor " there shall be substituted the words " the Yang di-Pertuan Negara, acting in his discretion,".
Section 7	...	For the words " the Colony " in paragraph (*c*) there shall be substituted the word " Singapore ".
Section 8	...	—
Section 9	...	For the words " paid out of the public funds " there shall be substituted the words " charged on and paid out of the Consolidated Fund ".
Section 10	...	—
Section 11	...	—
Section 12	...	—
Section 13	...	—
Section 14	...	—
Section 16	...	For the words " the Governor " there shall be substituted the words " the Yang di-Pertuan Negara, acting in his discretion,".
Section 17	...	The last sentence of the section shall be omitted.
Section 18	...	—
Section 19	...	For the words " District Judge " there shall be substituted the words " Judge of the Supreme Court ".
Section 20	...	—
Section 21	...	The following section shall be substituted:—

" 21. (1) All questions proposed for decision by the tribunal shall be decided by a majority of votes of the members thereof; the Chairman shall have an original vote and, if the votes of the members are equally divided, a casting vote.

(2) Subject to the preceding subsection and to the other provisions of this Ordinance, the procedure to be followed by the tribunal and the form of any order, summons, warrant or other document made or issued for the purposes of this Ordinance shall be in the discretion of the tribunal.".

Section 105 THIRD SCHEDULE

PROVISIONS OF THIS ORDER WHICH MAY BE AMENDED BY THE LEGISLATIVE ASSEMBLY

	Column 1	*Column* 2
PART I ...	Section 1 ...	In so far as that section relates to provisions set out in the first column of this Schedule and to the extent indicated in this column to which those provisions may be amended.
PART IV ...	Section 23 ...	Whole section
	Section 24 ...	„ „
	Section 25 ...	„ „
PART V ...	Section 34 ...	So far only as relates to the composition of the Assembly.
	Section 35 ...	Whole section
	Section 36 ...	„ „
	Section 37 ...	„ „
	Section 38 ...	„ „
	Section 39 ...	„ „
	Section 40 ...	„ „
	Section 41 ...	„ „
	Section 42 ...	„ „
	Section 43 ...	„ „
	Section 44 ...	„ „
	Section 45 ...	„ „
	Section 46 ...	„ „
PART VI ...	Section 48 ...	Whole section
	Section 50 ...	„ „
	Section 51 ...	„ „
	Section 52 ...	„ „
	Section 54 ...	„ „
PART XI ...	Section 96 ...	Whole section
	Section 97 ...	Whole section, except subsections (3) and (4).
	Section 98 ...	Whole section
	Section 99 ...	„ „

Section 118 FOURTH SCHEDULE

MODIFICATIONS OF THE RETIREMENT FROM THE PUBLIC SERVICE (COMPENSATION) ORDINANCE, 1956

PART I—GENERAL MODIFICATIONS

1. References in the Ordinance to the Colony shall, in relation to any period beginning on or after the appointed day, be construed as references to the State of Singapore.

2. References in the Ordinance to the Governor shall, in relation to any such period as aforesaid and subject to the provisions of this Schedule, be construed as references to the Yang di-Pertuan Negara, acting in accordance with the advice of the Public Service Commission.

PART II—PARTICULAR MODIFICATIONS

The provisions of the Ordinance set out in the first column of this Part of this Schedule shall be modified to the extent set out in the second column hereof.

1.	2.
Section 6 (4)	... There shall be added at the end of this subsection the following proviso, that is to say:— "Provided that, in the case of an entitled officer who retires after reaching the age of fifty-five and a half years, the gratuity shall be computed in accordance with the provisions of the appropriate law.".
Section 6 (5)	... There shall be inserted at the end of this subsection the following proviso, that is to say:— "Provided that, in the case of an entitled officer who retires after reaching the age of fifty-five and a half years, the gratuity shall be computed in accordance with the provisions of the appropriate law."; and there shall be added immediately after the above proviso the following new subsection as subsection (6):— "(6) Where any officer, being an entitled officer as defined in the Tenth Schedule to the Federation of Malaya Agreement, 1948, retires in accordance with the provisions of that Schedule, and the public service of that officer has included service under the Government of the Colony, the provisions of this section shall have effect in relation to any pension for which such officer is eligible in respect of his service in the Colony as if he were an entitled officer for the purposes of this Ordinance and had retired under the provisions hereof.".
Section 7 (1)	... The words " of the Colony or of any scheduled Government " shall be inserted immediately after the words " the public service " in paragraph (*a*) of this subsection; and there shall be added at the end of this subsection the following new subsections as subsections (1A) and (1B):— "(1A) (*a*). Where any officer, to whom the provisions of paragraph 8 of Part I of the Tenth Schedule to the Federation of Malaya Agreement, 1948, apply, retires in accordance with the provisions of that Schedule, and the public service of that officer has included service under the Government of the Colony, the provisions of subsection (1) of this section shall have effect in relation to that officer as if he were an entitled officer for the purposes of this Ordinance and had retired under the provisions hereof. (*b*) For the purposes of this subsection, " service under the Government of the Colony " includes service which is deemed to have been such service by virtue of paragraph (*a*) of subsection (2) of section 18 of the Pensions Ordinance, 1956. (1B) Notwithstanding the other provisions of this section or of the appropriate law, an entitled officer whose service has been partly in the public service of a scheduled Government and who has been required to retire under the provisions of this

Ordinance and who, under the pensions law of such scheduled Government, is not entitled to a pension in respect of such service because his total public service has been less than ten years shall be entitled to receive in respect of his service under such scheduled Government a gratuity (equal to the amount of the annual pension to which he would have been entitled, had he been eligible for such pension, multiplied by the factor set out in Table A of the First Schedule to this Ordinance appropriate to his age) reduced by the amount of any gratuity for which he may be eligible under the laws of such scheduled Government.".

Section 14	...	This section shall be omitted.
Section 17	...	The powers conferred by this section on the Governor acting with the approval of a Secretary of State shall be exercisable by the same persons and subject to the same conditions as are prescribed by Part IX of this Order for the disciplinary control of the officer concerned, but shall be so exercisable only with the consent of a Secretary of State.
Section 18	...	The reference in this section to an officer not in receipt of expatriation pay who holds his appointment by approval of a Secretary of State shall be construed, in relation to any period beginning on or after the appointed day, as a reference to such an officer who, immediately before that day, so held his appointment.
First Schedule	...	There shall be added immediately after the words " 51 years or over " in Column 1 of Table A of this Schedule the words " provided that the officer retires on or before reaching the age of fifty-five and a half years ".
Second Schedule	...	There shall be added at the end of paragraph 1 of this Schedule the following proviso, that is to say:— " Provided that for the purposes of this calculation the current annual salary, expatriation pay and any personal pensionable allowance of an officer promoted with effect from the operative date or any subsequent date who elects to retire and retires without having completed twenty-four months service (inclusive of leave) since the date of such promotion shall, unless for special reasons the Governor otherwise directs, be deemed to be the salary, pay and allowance which would have been payable had he not been so promoted.".

EXPLANATORY NOTE

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

This Order makes provision for a new Constitution for Singapore. Under this Constitution Singapore is given internal self-government, the responsibility for defence and external affairs being reserved to the Government of the United Kingdom. The Constitution includes provision for an Internal Security Council and also deals with the offices of Yang di-Pertuan Negara and United Kingdom Commissioner as well as making provision for the Executive, Legislature and Judicature.