

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 12/2004

Read the first time on 17 March 2004.

An Act to amend the Constitution of the Republic of Singapore (1999 Reprint).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Constitution of the Republic of Singapore (Amendment) Act 2004 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

Amendment of Article 122

7. Article 122 of the Constitution is amended —

(a) by deleting clause (1) and substituting the following clauses:

“(1) Subject to clauses (2) and (3), a person born outside Singapore after 16th September 1963 shall be a citizen of Singapore by descent if, at the time of his birth —

(a) where the person is born before the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, his father is a citizen of Singapore, by birth or registration; and

(b) where the person is born on or after the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, either his father or mother is a citizen of Singapore, by birth, registration or descent.

(2) A person born outside Singapore shall not be a citizen of Singapore by descent by virtue of clause (1) unless —

(a) his birth is registered in the prescribed manner at the Registry of Citizens or at a diplomatic or consular mission of Singapore within one year, or such longer period as the Government permits, after its occurrence; and

(b) he would not acquire the **citizenship** of the country in which he was born by reason of his birth in that country where —

(i) in the case of a person born before the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, his father is a citizen of Singapore by registration at the time of his birth; or

(ii) in the case of a person born on or after the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment)

Act 2004, either his father or mother is a citizen of Singapore by registration at the time of his birth.

(3) Without prejudice to clause (2), a person born outside Singapore of a father or mother who is a citizen by descent at the time of his birth shall not be a citizen of Singapore by descent by virtue of clause (1) unless the parent who is the citizen by descent has lawfully resided in Singapore —

(a) for a period of, or for periods amounting in the aggregate to, not less than 5 years before that person's birth; or

(b) for a period of, or for periods amounting in the aggregate to, not less than 2 years during the period of 5 years immediately preceding that person's birth.”; and

(b) by renumbering the existing clause (2) as clause (4).

Amendment of Third Schedule

10. The Third Schedule to the Constitution is amended —

(a) by deleting section 12 and substituting the following section:

“Posthumous children

12. —(1) A reference in Part X to the status or description of a parent of a person at the time of the person's birth shall, in the case of a parent who died before the birth of the person, be read as a reference to the status or description of the parent at the time of the parent's death.

(2) Where the death of a parent of a person occurred before and the birth of the person occurred on or after 16th September 1963, the status or description that would have been applicable to the parent by virtue of subsection (1) if the parent had died after that date shall be deemed to be the status or description applicable to the parent at the time of the parent's death.”;

(b) by deleting the words “and accordingly section 12 shall not apply to such a person” in section 15(1); and

(c) by deleting the words “6 months” in section 16(a) and (b) and substituting in each case the words “12 months”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore (1999 Reprint) —

(a) to make a consequential amendment to Article 18 arising from the merger of the Public Accountants Board with the Registry of Companies and Businesses to form the new Accounting and Corporate Regulatory Authority established under the Accounting and Corporate Regulatory Authority Act 2004 (Act 3 of 2004);

- (b) to enable every personnel board to delegate all or any of its powers or functions (other than the power of delegation) to any of its members to exercise;
- (c) to allow Singapore citizenship to be acquired by children born overseas to mothers who are citizens and to any parent who is a citizen by descent who satisfies certain residency requirements;
- (d) to make a consequential amendment to Article 144 arising from the amendment made to the International Development Association Act (Cap. 144A) by the International Development Association (Amendment) Bill 2004; and
- (e) to allow for the transfer of reserves —
 - (i) between the Government and any statutory board specified in Part I of the Fifth Schedule or any Government company specified in Part II of that Schedule; and
 - (ii) between any statutory board specified in Part I of the Fifth Schedule and any Government company specified in Part II of that Schedule, without causing a draw on the past reserves of the Government or such statutory board or Government company.

A statutory board specified in Part I of the Fifth Schedule is hereafter referred to as a “relevant statutory board” while a Government company specified in Part II of that Schedule is hereafter referred to as a “relevant Government company”.

Clause 7 amends Article 122 to enable persons born outside Singapore on or after the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004 to acquire citizenship by descent if either of the person’s parents is a citizen by birth, registration or descent. However, where the person’s parent is a citizen by descent, there is an additional residency requirement to satisfy, namely, the parent must have resided in Singapore —

- (a) for an aggregate of at least 5 years before the person’s birth; or
- (b) for at least 2 years in the 5 years preceding the person’s birth.

Clause 10 amends the Third Schedule, primarily section 16, to increase from 6 months to 12 months, the maximum period of absence from Singapore that may still be counted as residence in Singapore for the purposes of determining eligibility for Singapore citizenship. The amendments to sections 12 and 15 are consequential to the amendments in clause 7, which allow citizenship to be acquired by children born overseas to mothers who are Singapore citizens by birth, registration or descent.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
