

SINGAPORE – LEGAL ANNEX

Constitution (adopted 1956, last amended 2004)

Standing Orders 2004

Parliament (Privileges, Immunities and Powers) Act (ch.217 2000)

Prevention of Corruption Act (Ordinance 39 of 1960, last amended by ordinance 39 of 2002)

Political Donations Act (20 of 2000)

Code of Conduct for Ministers (July, 2005)

Rules of Prudence (May 2006) *apply to 82 out of 84 MPs*

Constitution (adopted 1956, last amended 2004)

Article 45.

(1) Subject to this Article, a person shall not be qualified to be a Member of Parliament who —

(c) holds an office of profit;

Article 2 Interpretation

(1)[...] - "office of profit" means, subject to clause (5), any whole time office in the public service;

[...] (5) For the purposes of this Constitution, a person shall not be considered as holding a public office or an office of profit 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 President, Prime Minister, Chief Justice, Speaker, Deputy Speaker, Minister, Parliamentary Secretary, Political Secretary, Member of Parliament, Ambassador, High Commissioner or such other office as the President may, from time to time, by order, prescribe.

Article 46.

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

(e) if he becomes subject to any of the disqualifications specified in Article 45;

Article 48.

Any question whether —

(a) any Member of Parliament has vacated his seat therein; or

(b) in the case of any person who has been elected as Speaker or Deputy Speaker from among persons who are not Members of Parliament, any circumstance has arisen that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e),

Standing Orders 2004

Procedure to disallow vote of Member having a direct personal pecuniary interest

65. – (1) Apart from the provisions of law requiring a Member to disclose the extent of any direct pecuniary interest (14), a Member shall not vote on any subject in which he has a direct personal pecuniary interest.

(2) A motion to disallow a Member's vote on this ground shall be made only as soon as the numbers of the Members voting on the question shall have been declared.

(3) In deciding whether a motion for the disallowance of a Member's vote shall be proposed by the Speaker or Chairman, the Speaker or Chairman shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the citizens of Singapore or whether his vote was given on a matter of State policy.

(4) If the motion for the disallowance of a Member's vote is agreed to, the Speaker or Chairman shall direct the Clerk to correct the numbers voting in the division accordingly.

Article 100
Committee of Privileges

(7)

(a)

(i) There shall be a Committee to be known as the Committee of Privileges to consist of the Speaker as Chairman and seven Members to be nominated by the Committee of Selection, as soon as may be after its appointment, in such manner as shall ensure that, so far as possible, the balance between the Government benches and the Opposition benches in Parliament is reflected in the Committee. There shall be referred to this Committee any complaint of breach of privilege or any matter which appears to affect the powers and privileges of Parliament. It shall be the duty of the Committee to consider any such matters to it referred, and to report on them to Parliament.

(ii) The Speaker shall, in the event of any Member of the Committee being a complainant or being complained against, or being involved in the matter referred to the Committee, suspend him from the service of the Committee until such time as the Committee has reported upon the matter to it referred. Upon such suspension, the Speaker shall nominate another Member in the place of such Member on the Committee. Such other Member shall cease to be a Member of the Committee after the Committee has reported upon the matter to it referred.

(b) Whenever Parliament is sitting, any Member may rise at any time to make a complaint alleging a breach of privilege suddenly arising, and if the Speaker is satisfied that the matter complained of *prima facie* affects the privileges of Parliament and that it has been raised at the earliest opportunity, the same shall stand referred, without any question, to the Committee and no further proceedings shall be taken in the matter until the Committee has reported thereon.

(c) Whenever Parliament is not sitting, a Member may make a complaint in writing to the Speaker alleging a breach of privilege, and if the Speaker is satisfied that the matter complained of *prima facie* affects the privileges of Parliament and that it has been raised at the earliest opportunity, he shall refer such matter to the Committee which shall report thereon to Parliament.

(d)

(i) Upon a motion complaining of a breach of privilege or affecting the powers and privileges of Parliament being moved, the same shall stand referred without any question being proposed thereon to the Committee and no further proceedings shall be taken on such motion until the Committee has reported thereon.

(ii) Such a motion may be moved without notice if the Speaker is satisfied that the matter raised does, *prima facie*, affect the powers and privileges of Parliament and has been raised at the earliest opportunity.

(e) The Leader of the House shall, upon receiving notice from the Clerk that copies of a report from the Committee have been made available to Members, give notice of a motion expressing the opinion of Parliament in regard to the report. The provisions of paragraph (5) of Standing Order No. 105 [*Reports from Select Committees*] shall not apply to a report from the Committee.

(f) Any motion complaining of a breach of privilege or affecting the powers and privileges of Parliament and any motion relating to a report of the Committee shall take precedence over public business and shall be moved at the time appointed by Standing Order No. 10 [*Order of business*].

(g) Nothing in this or any other Standing Order shall be taken to deprive Parliament and the Speaker of the power to deal summarily, in accordance with these Standing Orders or any provision of law with any breach of privilege committed in the actual view of Parliament or in the precincts thereof when Parliament is sitting or in any committee of Parliament.

(h) The expression "breach of privilege" shall include any contempt of Parliament, and the expressions "powers and privileges of Parliament" or "privileges of Parliament" shall include the powers and privileges or the privileges of the Speaker, the Members and the committees of Parliament.

Employment of Members in professional capacity

108. No Member of Parliament shall appear before Parliament or any Committee thereof as Counsel or Solicitor for any party, or in any capacity for which he is to receive a fee or reward.

PARLIAMENT (PRIVILEGES, IMMUNITIES AND POWERS) ACT **Ordinance 11 of 1962 (last amended by ordinance 40 of 1998)**

Member to disclose pecuniary interest

Article 32

A Member shall not in or before Parliament or any committee take part in the discussion of any matter in which he has a direct personal pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter.

Certain fees, gifts, etc., prohibited

Article 35.

(1) No person shall offer any fee, gift, compensation, profit, reward, loan, consideration or other advantage whatsoever —

- (a) to the Speaker or any Member or officer of Parliament either directly or through any person for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of Parliament or any committee or otherwise with a view to influencing him in his capacity as Speaker, Member or officer of Parliament; or
- (b) to any person in order to obtain his services for the purpose of influencing the Speaker or any Member or officer of Parliament in respect of or in regard to anything connected with any matter mentioned in paragraph (a).

(2) Any person mentioned in subsection (1) (a) or (b) who demands or accepts any such fee, gift, compensation, profit, reward, loan, consideration or other advantage shall be guilty of an offence.

(3) On the conviction of any person for an offence under this section the court shall in addition to any penalty which it may impose in terms of section 36 (1) (a) order that the value of the fee, gift, compensation, profit, reward, loan, consideration or other advantage, which is the subject of the offence, shall be paid by the recipient into the Consolidated Fund.

General offences and penalties

Article 36.

(1) Any person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable on conviction —

- (a) for a contravention of section 35, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both;
- (b) for a contravention of section 31 (d), (o), (p) or (q), to a fine not exceeding \$7,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (c) for a contravention of any other provision of this Act, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any person who attempts to contravene any provision of this Act or abets the contravention of any such provision shall be guilty of an offence and shall be liable on conviction to the penalty to which he would have been liable for a contravention of the provision itself.

Prevention of Corruption Act (Chapter 241) (last amended by law 29 of 2002)

Bribery of Member of Parliament.

Article 11.

Any person —

(a) who offers any gratification to a Member of Parliament as an inducement or reward for such Member's doing or forbearing to do any act in his capacity as such Member; or

(b) who being a Member of Parliament solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his capacity as such Member, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 7 years or to both.

Rules of Prudence (May 2006)

SEPARATING BUSINESS AND POLITICS

9. You must separate your public political position from your private business or professional interests. MPs who are in business, who occupy senior management positions in companies, or who sit on company boards should be especially vigilant. You must not exploit your public position as Government MPs, your close contacts with the Ministers, or your access to government departments and civil servants, for your personal business interest or the benefit of your employers. Your conduct must always be above board.

10. MPs who are employed by companies or industry associations may at times have to make public statements on behalf of their company or industry association. If you have to do so, make it clear that you are not speaking as an MP, but in your private, professional or business capacity.

11. When you raise questions in Parliament related to your own businesses, you should first declare your pecuniary interest in the issue. Do not use Parliamentary questions as a means to lobby the Government on behalf of your businesses.

12. You may, however, speak freely to Cabinet Ministers, who are your Parliamentary colleagues. Ministers will listen carefully to arguments on principles, especially when they relate to the general policy of their Ministries. But Ministers will not change individual acts of discretion, unless they have very good reasons which they can justify publicly. Parliamentary Secretaries and Ministers of State who intervene in their Ministries to reverse or alter decisions should promptly report the matter to their Ministers to protect themselves against possible accusations of misconduct. The Government must always base decisions on the merits of the issues, and cannot yield to pressure from interested parties.

DIRECTORSHIPS

13. MPs are often invited to serve on the Boards of private and publicly listed companies. This is a sign that private sector values PAP MPs' integrity and service, and reflects the high standing of the Party and of PAP MPs in general. The Party permits MPs to serve as directors, provided you keep your private and public responsibilities rigorously separate.

14. The public will closely scrutinise your involvement in companies, because you are a PAP MP. You should conduct your business activities so as to bring credit to yourself and to the Party. Adverse publicity on your performance as a director, or lapses in the companies you are associated with, will tarnish your reputation as an MP and lower the public's regard for the Party.

15. You should not solicit for Directorships in any companies, lest you appear to be exploiting your political position to benefit yourself.
16. You should not accept directorships where the company just wants to dress up the board with a PAP MP or two, in order to look more respectable.
17. Some grassroots leaders are businessmen who own or manage companies. You should not sit on any boards of companies owned or chaired by grassroots leaders appointed by you, so as to avoid the perception that you are obligated to them or advancing their business interests.
18. If you are offered a Directorship, you have to decide for yourself whether to accept. The Party is not in a position to vet or approve such decisions.
19. Before accepting, consider the possible impact of the Directorship on your political life. Ensure that the company understands that you are doing so strictly in your private capacity, and will not use your public position to champion the interests of the company, or lobby the government on its behalf.
20. Make every effort to familiarise yourself with the business, track record and background of the key promoters of the company. Satisfy yourself that the company is reputable, and that you are able to make a meaningful contribution. Specifically, just like anyone else contemplating a Directorship, you should ask yourself:
- How well do you know the company, its business strategy, financial status, shareholding structure and the underlying industry?
 - Do you know your fellow directors, the way the Board and its committees fulfil their responsibilities, the reporting structure between Board and Management and the relationship between shareholders and the company?
 - Do you have sufficient industry, financial or professional expertise to fulfil your expected role and responsibilities as a Director? Do you understand your obligations under the law and the Code of Corporate Governance? Will you be able to discharge your fiduciary duties properly and without fear or favour?
 - Will you face any conflicts of interest, and if so can you manage them? If you are in any doubt, you should decline.
21. Once you have decided to accept an offer of a Directorship, please inform the Whip. Detailed reporting requirements can be found in the Annex.

GIFTS

29. You should not accept gifts which might place you under an obligation which conflicts with your public duties. If you receive any gifts other than from close personal friends or relatives, you must declare them to the Clerk of Parliament who will have the gifts valued. If you wish to keep the gifts, you must pay the Government for them at the valuation price.

DECLARATION OF INCOME

33. For your own protection, every MP should disclose to me, in confidence, your business and professional interests, your present employment and monthly pay, all retainers and fees that you are receiving, and whether your job requires you to get in touch with officers of Government Ministries or statutory boards on behalf of employers or clients. Office holders need not do so because you will be subject to the reporting requirements of the Code of Conduct for ministers. This should be done by 30 June 2006.

DIRECTORSHIP DISCLOSURE REQUIREMENTS TO THE WHIP

1. Please inform the Whip of all the Directorships that you hold, and of the director's fees or benefits in kind e.g. stock options, which you receive. Include the name of the company, the position(s) held, the date of first appointment and the current Chairman of the Board (if he is someone other than yourself) by end January for the preceding calendar year, using the Schedule attached

2. There is no need to report Directorships of subsidiary companies that you hold by virtue of your employment in the main or holding company.
3. Please update the Whip whenever you have relinquished a Directorship or accepted a new appointment, within two weeks.

SCHEDULE OF DIRECTORSHIPS

Name of MP: _____

Date of Submission: _____
(by 31 Jan of each year)

No.	Name of Company	Position(s) (Chairman/Director/ Chairman/Member Audit Cttee etc)	Date Appointed	Date Retired/ Resigned	Director's Fee/ Stock Options/ Benefits-in- kind (\$)*
	Chairman:				
	Chairman:				
	Chairman:				

* Declared up till 31 Dec of preceding year
