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Notification No. B 31 — The Judges' Remuneration (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 7th day of October 2014.

Judges' Remuneration (Amendment) Bill

Bill No. 31/2014.

Read the first time on 7 October 2014.

A BILL

i n t i t u l e d

An Act to amend the Judges' Remuneration Act (Chapter 147 of the 1995 Revised Edition) and to make a consequential amendment to the Pensions Act (Chapter 225 of the 2004 Revised Edition).

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 Judges' Remuneration (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 New section 1A

2. The Judges' Remuneration Act is amended by inserting, immediately after section 1, the following section:

"Interpretation

1A. In this Act, unless the context otherwise requires —

10 "annual pensionable salary", in relation to a holder of any judicial office, means the emoluments of the holder, the whole or any part of which count —

(a) for a pension in accordance with the Pensions Act (Cap. 225) if the holder is appointed to any judicial office before the date of commencement of the Judges' Remuneration (Amendment) Act 2014; or

15 (b) for a gratuity in accordance with this Act if the holder is first appointed to any judicial office on or after that date;

20 "judicial office" means the office of the Chief Justice, a Judge of Appeal or a Judge of the High Court."

New section 4

3. The Judges' Remuneration Act is amended by inserting, immediately after section 3, the following section:

25 "Gratuity upon retirement or death in harness

4.—(1) An individual —

(a) who holds a judicial office; and

(b) who retires from that office on attaining 65 years of age or in such other circumstances as may be prescribed,

30 may, on retirement, be granted by the President, in respect of each complete month of the individual's reckonable service

which is unbroken, a gratuity determined in accordance with a rate prescribed in regulations subject to such limit as may be prescribed in those regulations.

(2) Where at any time after the date of commencement of the Judges' Remuneration (Amendment) Act 2014, an individual dies while holding any judicial office, there may be paid to such of the deceased's dependants as the President may think fit or, if there are no dependants, to the legal personal representatives of the deceased, a death gratuity determined in accordance with regulations.

(3) It shall be lawful for the President to make regulations for the granting of gratuities to individuals who have held judicial office or to their legal personal representatives or dependants, and for such other matters as may be necessary or expedient to give effect to this section.

(4) A gratuity granted under this section —

(a) is not assignable or transferable, except for the purpose of satisfying —

(i) a debt due to the Government; or

(ii) an order of any court for the payment of periodical sums of money towards the maintenance of the spouse or former spouse or minor child, whether legitimate or not, of the individual to whom the gratuity has been granted; and

(b) is not liable to be attached, sequestered or levied upon for or in respect of any debt or claim except a debt due to the Government.

(5) To avoid doubt, no holder of a judicial office shall have an absolute right to compensation for past services or to any gratuity under this section.

(6) There shall be charged on and paid out of the Consolidated Fund all sums of money as may from time to time be granted by way of gratuity or death gratuity in accordance with this Act.

(7) In this section, “reckonable service” means —

- (a) service in one or more judicial offices;
- (b) service as a Judicial Commissioner of the Supreme Court if, and only if, it immediately precedes appointment to a judicial office without any break; or
- (c) such other service in the Government (except as a Senior Judge or an International Judge of the Supreme Court) that regulations under this section prescribe to be reckonable for the purposes of a gratuity or death gratuity under this section, if, and only if, that other service immediately precedes appointment to a judicial office without any break.

(8) This section applies only to an individual who is first appointed to any judicial office on or after the date of commencement of the Judges’ Remuneration (Amendment) Act 2014.”.

Consequential amendment to Pensions Act

4. Section 20(5) of the Pensions Act (Cap. 225) is amended by inserting, immediately after the words “1st April 1986”, the words “, but not a Judge of the Supreme Court, an Attorney-General, an Auditor-General, a Deputy Attorney-General or a member of the Public Service Commission who is eligible to be granted a death gratuity under any other written law”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Judges’ Remuneration Act (Cap. 147) to provide for the granting of a gratuity to those first appointed to an office of the Chief Justice, Judge of Appeal or Judge of the High Court on or after the date of commencement of the Judges’ Remuneration (Amendment) Act 2014. Those appointed and serving before that date remain eligible to receive a pension under the Pensions Act (Cap. 225).

The Bill also makes a consequential amendment to the Pensions Act.

Clause 1 relates to the short title and commencement.

Clause 2 introduces 2 new definitions to the Act in support of the amendments in the Bill. The first definition concerns “annual pensionable salary”, which is a term used in the Act. The new definition makes clear that the term refers to the emoluments which may be used to count for a pension or, in the case of a holder first appointed to any judicial office on or after the date of commencement of the Judges’ Remuneration (Amendment) Act 2014, for the gratuity introduced by clause 3.

The other definition is that of “judicial office”, service in which is reckonable for the purposes of the proposed gratuity. The definition refers only to the office of the Chief Justice, Judge of Appeal or Judge of the High Court. Judicial Commissioners, Senior Judges and International Judges of the Supreme Court are not included.

Clause 3 introduces a new section 4, which provides for the new gratuity scheme for those first appointed to an office of the Chief Justice, Judge of Appeal or Judge of the High Court on or after the date of commencement of the Judges’ Remuneration (Amendment) Act 2014. Those appointed before and serving on that date will remain eligible to receive a pension under the Pensions Act even though the offices of the Chief Justice, Judge of Appeal and Judge of the High Court are declared non-pensionable.

Under the new section 4, a gratuity may be granted to a holder of a judicial office who retires from that office on attaining 65 years of age (the compulsory retirement age in Article 98 of the Constitution of the Republic of Singapore) or in such other circumstances as may be prescribed by regulations. The gratuity may be granted by the President. It will be determined in accordance with a rate (to be prescribed by regulations) in respect of each complete month of the individual’s reckonable service which is unbroken, subject to such limit as may be prescribed in those regulations.

The new section 4 also provides for the payment of a death gratuity if, at any time after the date of commencement of the Judges’ Remuneration (Amendment) Act 2014, an individual dies while holding any judicial office.

The President is empowered to make regulations for the gratuity scheme. However, the gratuity is not an entitlement. No holder of a judicial office has an absolute right to the gratuity.

The key expression “reckonable service” is defined to encompass service in one or more judicial offices viz. Chief Justice, Judge of Appeal or Judge of the High Court. Service as a Judicial Commissioner of the Supreme Court may be reckonable if, and only if, it immediately precedes appointment to a judicial office without any break. Other service in the Government may be prescribed (by regulations made under the new section 4) to be reckonable for the purposes of a gratuity or death gratuity but only if that service immediately precedes appointment to a judicial office without any break. Service in the office of the Attorney-General,

for example, may therefore be prescribed to be reckonable. However, service as a Senior Judge or an International Judge of the Supreme Court cannot be prescribed by regulations to be reckonable.

Finally, clause 4 makes a consequential amendment to displace the application of section 20 of the Pensions Act to holders of judicial office first appointed to office on or after the date of commencement of the Judges' Remuneration (Amendment) Act 2014, or an Attorney-General, an Auditor-General, a Deputy Attorney-General or a member of the Public Service Commission who is eligible to a death gratuity under another written law. This will prevent double claims for death gratuities. Section 20 of the Pensions Act presently provides for the payment of a death gratuity with respect to individuals who die while serving in the public service, whether in a pensionable or non-pensionable office.

EXPENDITURE OF PUBLIC MONEY

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