

KAJIAN PERBANDINGAN PERUNDANGAN NEGARA LUAR/ENAKMEN NEGERI BERKAITAN PERUNTUKAN LOMPAT PARTI

BIL.	NAMA AKTA	PERUNTUKAN/SEKSYEN BERKAITAN	CATATAN
1.	Constitution of India	<p>Constitution of India</p> <p>Article 102 (2)</p> <ul style="list-style-type: none"> - A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule. <p>Article 191 (2)</p> <ul style="list-style-type: none"> - A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule <p>Schedule X of the Constitution of India</p> <p><u>Definition</u></p> <p>Sub para 2(1), (2) and (3):</p> <ul style="list-style-type: none"> i. voluntary giving up of a party membership; ii. insubordination of party's instruction on voting or abstention in the House; iii. joining a party if originally the lawmaker is independent. 	

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		<p data-bbox="801 236 1305 268"><u>Exemption From Disqualification</u></p> <p data-bbox="801 308 992 339">Paragraph 4</p> <ul data-bbox="853 347 1480 419" style="list-style-type: none"> - Merger of his or her erstwhile original party with another party. <p data-bbox="801 459 992 491">Paragraph 5</p> <ul data-bbox="853 499 1480 786" style="list-style-type: none"> - who have been elected to the House as the Speaker or Deputy Speaker of either the House of the People or any of the Legislative Assemblies of States or have been elected as the Deputy Chairman of Council of States or the Deputy Chairman or Chairman of the Legislative Council of a State. <p data-bbox="801 866 1066 898"><u>Power To Decide</u></p> <p data-bbox="801 938 992 970">Paragraph 6</p> <ul data-bbox="853 978 1480 1050" style="list-style-type: none"> - on the Speaker or the Chairman of a House to decide on disqualification. <p data-bbox="801 1090 992 1121">Paragraph 8</p> <ul data-bbox="853 1129 1480 1201" style="list-style-type: none"> - Chairman or Speaker of a House to make rules for giving effect to the provisions. <p data-bbox="801 1241 1122 1273"><u>Interference of Court</u></p> <p data-bbox="801 1313 992 1345">Paragraph 7</p>	

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		<ul style="list-style-type: none"> - No court have jurisdiction in respect of any matter relating to the disqualification under the Schedule X. 	
2.	Electoral (Integrity) Amendment Act 2018 (New Zealand)	<p>Section 55</p> <p>(1)The seat of any member of Parliament shall become vacant-</p> <p>(fa) if, under <u>section 55A</u>, he or she ceases to be a parliamentary member of the political party for which he or she was elected; or</p> <p>Section 55A</p> <p>(1) This section applies to every member of Parliament, except a member elected as an independent.</p> <p>(2) The seat of a member of Parliament to whom this section applies becomes vacant if the member of Parliament ceases to be a parliamentary member of the political party for which the member of Parliament was elected.</p> <p>(3) For the purposes of subsection (2), a member of Parliament ceases to be a parliamentary member of the political party for</p>	

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		<p>which the member of Parliament was elected only if—</p> <p>(a) the member of Parliament delivers to the Speaker a written notice that complies with section 55B; or</p> <p>(b) the parliamentary leader of the political party for which the member of Parliament was elected delivers to the Speaker a written notice that complies with section 55C.</p>	
3.	Recall of MPs (Change of Party Affiliation) Bill 2019-21 (United Kingdom)	<p>Recall of MPs Act 2015 (RMA)</p> <ul style="list-style-type: none"> - only covers Members of the House of Commons - recall mechanism on only breaking of laws or rules - Recall is currently permitted only under three conditions: <ul style="list-style-type: none"> a) The MP has been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and the appeal period expires without the conviction, sentence or order having being overturned on appeal. b) Suspension from the House of Commons, following a report from the Committee of Standards, for at least 10 sitting days or at 	

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		<p>least 14 days, and when the suspension starts does not matter.</p> <p>c) The MP has been convicted of an offence under section 10 of the Parliamentary Standards Act 2009 and the appeal period expires without the conviction having being overturned on appeal.</p> <p>Amendment to cover for change of party affiliation, a Recall of MPs (Change of Party Affiliation) Bill 2019-21. This bill is scheduled for its second reading in January 2021 (still in process). This Bill seeks to update the Recall of MPs Act 2015 with a fourth recall condition: any MP who voluntarily leaves the political party they represented upon their election to the House of Commons becomes subject to a recall petition.</p>	
4.	Constitution of the Republic of Singapore	<p>Article 46(2)(b)</p> <p>seat of a Member of Parliament shall become vacant if he ceases to be a member of, or is expelled or resigns from, the political party for which he stood in the election.</p> <p>Article 49</p> <p>whenever the seat of a Member, not being a non-constituency Member, has become vacant</p>	

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		for any reason other than a dissolution of Parliament, the vacancy shall be filled by election in the manner provided by or under any law relating to Parliamentary elections for the time being in force.	