

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**NATIONAL COMPUTER BOARD ACT
(CHAPTER 195)**

Act
14 of 1981

REVISED EDITION 1985

National Computer Board Act

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An Act for the establishment and incorporation of the National Computer Board and for matters connected therewith.

[15th August 1981]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the National Computer Board Act.

Interpretation.

2. In this Act, unless the context otherwise requires —
- “Board” means the National Computer Board established and incorporated by this Act;
- “Chairman” means the Chairman of the Board;
- “member” means a member of the Board.

PART II

NATIONAL COMPUTER BOARD

Establishment and incorporation of National Computer Board.

3. There is hereby established a body to be known as the National Computer Board which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as bodies corporate may lawfully do and suffer.

4.—(1) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board and such instruments to which the common seal is affixed shall be signed by any two members generally or specially authorised by the Board for the purpose or by one member and the chief executive officer.

Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

5.—(1) The Board shall consist of 8 members to be appointed by the Minister of whom —

Member-ship of Board.

- (a) two members shall have special knowledge of the computer services industry and shall be appointed in consultation with such bodies as the Minister considers appropriate;
- (b) one member shall represent the Economic Development Board;
- (c) one member shall represent the National University of Singapore;
- (d) one member shall represent the Ministry of Education; and
- (e) one member shall represent the Ministry of Finance.

(2) The Minister may appoint a member of the Board to be its Chairman.

6.—(1) A member of the Board shall hold office for such term as the Minister shall specify in his appointment, being a term not exceeding 3 years, and may from time to time be reappointed.

Term of office.

(2) Any member of the Board may at any time by notice in writing to the Minister resign his office.

(3) If the Minister is satisfied that a member —

- (a) has become a bankrupt or has made an arrangement with his creditors;
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge his duties,
- the Minister may terminate his appointment as a member and shall notify the fact in such manner as he thinks fit.

(4) If the Chairman ceases to be a member of the Board, he shall cease to be the Chairman.

(5) If a member dies or resigns or has his appointment terminated, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed; but the new member shall be appointed in accordance with whichever paragraph of section 5 as is appropriate.

(6) The Board shall pay to the Chairman and other members of the Board such salaries, fees and allowances as the Minister may from time to time determine.

Meetings and
proceedings
of Board.

7.—(1) At all meetings of the Board, 4 members shall form a quorum.

(2) The Chairman shall preside at all meetings of the Board at which he is present and in his absence the members present shall elect one of their number to preside.

(3) Meetings of the Board shall be held at such times and places as the Board may determine.

(4) All questions arising at any meeting shall be decided by a majority of the votes of the members present and voting.

(5) At any meeting of the Board, the Chairman or member presiding shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Board may regulate its own proceedings.

Disclosure of
interest by
members.

8. A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation of the Board with respect to that transaction or project.

Committees.

9.—(1) The Board may from time to time appoint, alter and discharge committees, consisting of one or more

persons (whether members of the Board or not), and define and vary the terms of reference of those committees.

(2) Subject to this Act and any rules made thereunder and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

10.—(1) The Board shall, with the approval of the Staff. Minister, appoint a chief executive officer on such terms and conditions as the Board may determine.

(2) The chief executive officer shall be known by such designation as the Board may determine and shall be responsible to the Board for the proper administration and management of its functions and affairs in accordance with the policy laid down by the Board.

(3) The Board may from time to time appoint any additional officers and other employees and any agents that it thinks fit for the effective performance of its functions.

PART III

FUNCTIONS AND POWERS OF BOARD

11.—(1) The functions of the Board are —

- (a) to encourage, promote, facilitate and assist in the establishment, development and expansion of the computer services industry in Singapore;
- (b) to plan, promote, develop, implement and co-ordinate computer data processing for Government ministries, departments and agencies;
- (c) to advise the Government on national needs and policies in respect of computer data processing;
- (d) to establish and maintain standards of computer systems education and training in Singapore;
- (e) to install and maintain computer systems to be used for such purposes as the Board thinks fit;
- (f) to provide consultancy and advisory services concerning computer data processing;
- (g) to provide facilities for the training of persons for any purpose connected with the computer services industry;

Functions
of Board.

- (h) to do anything for the purpose of advancing the skill and knowledge of its employees or of other persons engaged in the computer services industry; and
- (i) to promote research into matters and activities relating to computer technology and services.

(2) The Minister may, after consultation with the Board or otherwise, give such directions, not inconsistent with the provisions of this Act, as to the performance of its functions and the exercise of its powers and the Board shall give effect to any such directions.

Powers of Board.

12. The Board shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and in particular, but without prejudice to the generality of the foregoing, may —

- (a) organise courses and award diplomas and certificates of proficiency;
- (b) form or participate in the formation of a company;
- (c) enter into a partnership or an arrangement for the sharing of profits;
- (d) charge fees or commissions for services rendered by the Board;
- (e) promote or undertake publicity in any form; and
- (f) do anything incidental to any of its powers.

Delegation of powers.

13.—(1) The Board may from time to time, in respect of a specified matter or class of matters, by writing delegate any of its powers to a member, officer, committee or agent of the Board.

(2) Every member, officer, committee or agent purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

PART IV

FINANCIAL PROVISIONS

14. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year. Board's financial year.

15.—(1) The Board shall in every year prepare and adopt annual estimates of income and expenditure of the Board for the ensuing year. Estimates.

(2) Supplementary estimates of expenditure may be adopted by the Board.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Board, be sent forthwith to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Board, and the Board shall be bound thereby.

16. For the purpose of enabling the Board to carry out its functions under this Act, the Minister may from time to time make grants-in-aid to the Board of such sums of money as the Minister may determine out of moneys to be provided by Parliament. Grants.

17. The Board may from time to time for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source. Loans.

18.—(1) The Board shall open and maintain an account or accounts with such bank or banks as the Board thinks fit; and every such account shall be operated upon by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board. Bank accounts and application of moneys.

(2) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

(3) Moneys belonging to the Board may from time to time be invested in securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested.

Accounts and
financial
statements.

19.—(1) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

(2) The Board shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Board.

Audit of
accounts.

20.—(1) The accounts of the Board shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act.

Cap. 50.

(3) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Board.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Board whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, and investment of moneys and the acquisition and disposal of assets by the Board during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Board. He shall also submit such periodical and special reports to the Minister and to the Board as may

appear to him to be necessary or as the Minister or the Board may require.

21.—(1) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act. Failure to furnish information to auditor.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

22.—(1) The Board shall, as soon as the accounts of the Board and the financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report. Presentation of financial statements and auditor's report to Parliament.

(2) Where the Auditor-General is not the auditor of the Board, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General when they are submitted to the Board.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART V

GENERAL

23.—(1) The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding financial year and containing such information relating to the proceedings and policy of the Board as the Minister may from time to time direct. Annual report.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

24. No member, officer or employee of the Board and no member of a committee of the Board shall be personally liable for any act done in good faith by him or any omission Protection from personal liability.

committed in good faith by him in the course of the operation of the Board or of the committee.

Public servants for the purposes of Penal Code. Cap. 224.

25. The members, officers and employees of the Board shall be deemed to be public servants within the meaning of the Penal Code.

Preservation of secrecy.

26.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no member, officer, employee or agent of the Board shall disclose any information relating to the affairs of any person which has been obtained by the member, officer, employee or agent in the performance of his duties or the exercise of his functions.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

Falsifying information.

27. Any person who —

- (a) knowingly falsifies any record of any computer system maintained by the Board by the addition, deletion or modification of any information contained in that record; or
- (b) knowingly provides false information with intent that it should be included in any computer system maintained by the Board,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

Rules.

28. The Board may, with the approval of the Minister, make rules for all or any of the following purposes:

- (a) regulating the proceedings of the Board or of the committees of the Board;
- (b) prescribing duties of the employees and agents of the Board;
- (c) prescribing any matters which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.