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THE STATUTES OF THE REPUBLIC OF SINGAPORE

**INSTITUTE OF TECHNICAL EDUCATION ACT
(CHAPTER 141A)**

**Act
8 of 1992**

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Institute of Technical Education Act

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An Act to establish the Institute of Technical Education, Singapore, and for matters connected therewith.

[1st April 1992]

PART I

PRELIMINARY

1. This Act may be cited as the Institute of Technical Education Act. Short title.

2. In this Act, unless the context otherwise requires — Interpreta-
tion

“Board” means the Board of Governors established under section 7 (1);

“Chairman” means the Chairman of the Board appointed under section 7 (3);

“Chief Executive Officer” means the Chief Executive Officer of the Institute appointed under section 22 and includes any temporary Chief Executive Officer appointed as such under section 22 (3);

“commerce or industry” includes any trade, manufacturing or service industry, business or other related activity;

“Deputy Chairman” means the Deputy Chairman of the Board appointed under section 7 (4);

“Institute” means the Institute of Technical Education, Singapore established under section 3;

“member” means a member of the Board;

“technical skills” means the skills acquired through technical education and training or other means for employment in commerce or industry;

“Vocational and Industrial Training Board” means the Vocational and Industrial Training Board established under the repealed Vocational and Industrial Training Board Act. Cap. 345.

PART II

ESTABLISHMENT OF INSTITUTE

Establishment of Institute. **3.** There is hereby established an Institute to be known as the Institute of Technical Education, Singapore 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 or disposing of property, both movable and immovable; and
- (c) doing all such other acts as bodies corporate may lawfully do.

Common seal. **4.—(1)** The Institute shall have a common seal and such seal may from time to time be broken, changed, altered and made anew as the Institute thinks fit.

(2) All deeds, documents and other instruments requiring the seal of the Institute shall be sealed with the common seal of the Institute and every instrument to which the common seal is affixed shall be signed by a member and shall be countersigned by the Chief Executive Officer or by some other person duly authorised by the Board for that purpose, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Institute.

Cap. 269. (3) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under subsection (2).

Functions. **5.** The functions of the Institute shall include —

- (a) the provision, promotion and regulation of technical training and education courses for training persons employed in or intending to be employed in commerce or industry;
- (b) the upgrading of the technical skills of the workforce through continuing education and training;
- (c) the regulation and promotion of industry-based training and education in technical skills;

- (d) the regulation of certification and standard of technical skills;
- (e) the promotion and provision of consultancy services for training and education in technical skills; and
- (f) the promotion of research in training and education in technical skills.

6. The Institute may, for the purpose of discharging its Powers.
functions —

- (a) provide for and regulate the holding of examinations, grant of awards, certificates and other qualifications for attainment of technical skills, competency and achievements;
- (b) establish facilities for the provision of training and education in technical skills;
- (c) collaborate with and assist any person in the provision and promotion of training and education in technical skills;
- (d) render professional advice and expertise and other consultancy services to any person involved in the provision and promotion of training and education in technical skills;
- (e) carry on any trade or business whether with other persons or by itself for the purpose of providing training to persons employed or intending to be employed in commerce or industry;
- (f) form or participate in the formation of companies having such objects as may be approved by the Minister;
- (g) acquire, hire, procure, construct, erect, develop, manufacture, operate, maintain and repair any property whether movable or immovable required by the Institute for the purposes of the Act;
- (h) with the approval of the Minister, dispose of, surrender or sell any immovable property;

- (i) levy and collect such fees, rates or charges for training and other services, use of facilities and conduct of activities as the Institute may consider expedient;
- (j) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (k) give donations and contributions to any person or organisation;
- (l) regulate and provide for the welfare and discipline of employees and students of the Institute;
- (m) inspect, approve and register training institutions conducting or intending to conduct training courses in technical skills;
- (n) provide financial support and assistance for any research work relating to training and education in technical skills;
- (o) promote or undertake publicity in any form; and
- (p) do all such other things as are incidental to, or necessary for, the attainment of its functions.

PART III

CONSTITUTION AND PROCEEDINGS OF BOARD OF GOVERNORS

Constitution
of Board of
Governors.

7.—(1) There shall be a Board of Governors of the Institute which shall be the executive body of the Institute and may exercise all the powers conferred on the Institute under this Act.

(2) The Board shall consist of the following members:

- (a) a Chairman;
- (b) the Chief Executive Officer;
- (c) such number of other members, not being less than 9 or more than 18 as the Minister may from time to time determine, representing the Government, employers and trade unions.

(3) The Chairman and other members of the Board shall be appointed by the Minister and shall, unless the Minister otherwise directs, hold office for a period of 3 years from the

date of their respective appointments and shall be eligible for reappointment.

(4) The Minister may, in his discretion, appoint any member of the Board to be the Deputy Chairman of the Board.

(5) The Deputy Chairman so appointed may, subject to such direction as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

(6) The Minister may appoint a person to be a temporary member during the absence from Singapore, or incapacity owing to illness or otherwise, of a member.

(7) The Minister may at any time revoke the appointment of a member without assigning any reason.

(8) A member may resign from his appointment at any time by giving written notice to the Minister.

8. There shall be paid to the members out of the funds of the Institute such salaries, fees and allowances as the Minister may, from time to time, determine.

Salaries, fees and allowances payable to members.

9. The office of a member shall be vacated if the member —

Vacation of office.

- (a) becomes of unsound mind;
- (b) is adjudicated a bankrupt;
- (c) is convicted of an offence involving dishonesty or fraud;
- (d) fails to attend, without leave of the Board, 3 consecutive meetings of the Board; or
- (e) resigns from his office.

10.—(1) If a vacancy occurs in the membership of the Board, the Minister may appoint any person to fill the vacancy and the person so appointed shall hold office for the unexpired period of the term of office of the member in whose place he is appointed.

Filling of vacancies.

(2) Where the member in whose place a person is appointed under subsection (1) was a representative of a

person or class of persons, the member so appointed shall be a representative of the same person or class of persons.

Meetings of Board.

11.—(1) The Chairman shall summon meetings as often as may be required.

(2) At every meeting of the Board, one-third of the number of members shall constitute a quorum.

(3) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting, except that in the case of an equality of votes the Chairman or in his absence the Deputy Chairman shall have a casting vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Board.

(5) The Board shall not be precluded from holding a meeting or acting in any matter merely by reason of any vacancy in its membership.

(6) Subject to the provisions of this Act, the Board may make standing orders to regulate its own procedure and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Disclosure of interest by members.

12.—(1) A member who is, directly or indirectly, interested in a contract made, or proposed to be made, by the Board or any other matter which is before any meeting of the Board, shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and, after the disclosure, that member —

(a) shall not take part in any deliberation or discussion of, and shall not vote on any question with respect to, that contract or other matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or discussion or vote, as the case may be.

(3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this section.

13. The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications. Validity of acts of members.

14.—(1) The Minister may, after consultation with the Board, give such general directions not inconsistent with the provisions of this Act as to the policy to be followed by the Institute in the performance of its functions under this Act as appear to the Minister to be necessary and the Institute shall, as soon as practicable, give effect to any such direction. Directions by Minister.

(2) The Board shall give the Minister such information or facilities for obtaining information with regard to the exercise of its powers and functions in such manner and at such times as the Minister may reasonably require.

15.—(1) The Board may, in its discretion, appoint such number of committees consisting of members or other persons or members and other persons for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees. Appointment of committees and delegation of powers.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the Chairman or the Chief Executive Officer, all or any of the powers, functions and duties by this Act vested in the Institute, and a power, function or duty so delegated may be exercised or performed by such committee or the Chairman or the Chief Executive Officer, as the case may be, in the name and on behalf of the Institute.

(3) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any employee of the Institute all or any of the powers, functions and duties by this Act vested in the Institute, and a power, function or duty so delegated may be exercised or performed by the employee in the name and on behalf of the Institute.

(4) The Institute may continue to exercise a power conferred upon it, or perform a function or duty under this Act, notwithstanding the delegation of the power, function or duty under this section.

PART IV

TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

Transfer to
Institute of
assets and
liabilities.

16.—(1) As from 1st April 1992, all lands, buildings and other properties, movable or immovable, rights, interests, privileges, obligations and liabilities vested in, belonging to or incurred by the Vocational and Industrial Training Board shall be transferred to and vest in the Institute without further assurance.

(2) If any question arises as to which property, movable or immovable, has been transferred to and vested in the Institute under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence of the vesting of that property in the Institute.

Existing
contracts.

17. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 1st April 1992 affecting the lands, buildings and other properties, movable or immovable, transferred under section 16 or any employee of the Vocational and Industrial Training Board transferred to the service of the Institute under section 19 shall be of full force and effect against or in favour of the Institute and enforceable as fully and effectually as if, instead of the Vocational and Industrial Training Board, the Institute had been named therein or had been a party thereto.

Pending
proceedings.

18. Any proceedings or cause of action pending or existing immediately before 1st April 1992 by or against the Vocational and Industrial Training Board in respect of the lands, buildings and other properties, movable or immovable, transferred under section 16 and the rights, interests, obligations and liabilities in connection therewith or appertaining thereto may be continued and enforced by or against the Institute as it might have been by or against the Vocational and Industrial Training Board as if this Act had not been enacted.

Transfer of
employees.

19.—(1) As from 1st April 1992, such persons employed by the Vocational and Industrial Training Board immediately before that date as specified by the Minister shall be transferred to the service of the Institute on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as schemes and terms and conditions of service are drawn up by the Institute, the schemes and terms and conditions of service in the Vocational and Industrial Training Board shall continue to apply to every person transferred to the service of the Institute under subsection (1) as if he were still in the service of that Board.

(3) Where any person who is transferred to the service of the Institute under subsection (1) is a contributor under the Widows' and Orphans' Pension Act, he shall for the purposes of that Act continue to make contributions under that Act as if he had not been transferred to the service of the Institute; and for the purposes of that Act his service with the Institute shall be deemed to be service with the Government and the Institute shall have the right to make deductions from the salary of that person to be paid as contributions under that Act.

Cap. 350.

(4) Where any person who is transferred to the service of the Institute under subsection (1) was an employee of the Government transferred to the service of the Vocational and Industrial Training Board with his pension benefits in respect of that employment preserved, the Government shall be liable to pay to the Institute such portion of any such pension benefits payable on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under the Government, the former Industrial Training Board, the Vocational and Industrial Training Board and the Institute.

20.—(1) Where on 1st April 1992 any disciplinary proceedings against any person transferred to the service of the Institute under section 19 were pending before the Vocational and Industrial Training Board, the proceedings against the person shall be taken up and continued under and in conformity with the provisions of this Act so far as consistently may be; but where on that date any matter was in the course of being heard or investigated by the Vocational and Industrial Training Board or had been heard or investigated by that Board, but no order or decision had been made thereon, that Board shall continue to exist, notwithstanding this Act, for the purpose of completing the

Continuation and completion of disciplinary proceedings.

hearing or investigation and the making of an order or decision, as the case may be.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before 1st April 1992, the Vocational and Industrial Training Board shall complete the hearing or investigation in accordance with the authority vested in that Board immediately before that date and make such order, ruling or direction as the Board could have made under the authority vested in it immediately before that date.

(3) Any order, ruling or direction made or given by the Vocational and Industrial Training Board pursuant to this section shall be entered as an order, ruling or direction of the Institute and shall have the same force or effect as if it had been made or given by the Institute pursuant to the authority vested in the Institute under this Act.

Misconduct or neglect of duty whilst in former employment.

21. The Institute may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who has, whilst he was in the employment of the Vocational and Industrial Training Board, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by that Board or any other person acting under its authority or direction, as if this Act had not been enacted.

PART V

PROVISIONS RELATING TO STAFF

Appointment of Chief Executive Officer.

22.—(1) The Board shall, with the approval of the Minister, appoint a Chief Executive Officer on such terms and conditions as it may determine.

(2) The Chief Executive Officer shall —

- (a) be responsible to the Board for the proper administration and management of the Institute in accordance with the policy laid down by the Board;
- (b) be known by such designation as the Board thinks fit; and

not be removed from office without the consent of the Minister.

(3) If the Chief Executive Officer is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for other reasons temporarily unable to perform his duties, any person may be appointed by the Board to act in the place of the Chief Executive Officer during any period of such absence from duty.

23. The Institute may, from time to time and subject to such directions as may be given by the Minister, appoint such number of employees on such terms and conditions as the Institute may determine. Employment of staff.

24. No suit or other legal proceedings shall lie against any member or any employee of the Institute or other person acting under the direction of the Institute for anything which is in good faith done or intended to be done in the execution or purported execution of this Act. Protection from personal liability.

25. All members and employees of the Institute shall be deemed to be public servants within the meaning of the Penal Code. Public servants. Cap. 224.

PART VI

FINANCIAL PROVISIONS

26. The financial year of the Institute shall begin on 1st April of each year and end on 31st March of the succeeding year. Financial year.

27. For the purpose of enabling the Institute to carry out its functions under this Act, the Minister may, from time to time, make grants-in-aid to the Institute out of moneys to be provided by Parliament. Grants.

28. The Institute 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 source. Loans.

29. Moneys belonging to the Institute may, from time to time, be invested in securities in which trust funds may, by Investment of funds.

any written law for the time being in force relating to trustees, be invested.

Accounts to
be kept.

30. The Institute 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 Institute and over the expenditure incurred by it.

Audit.

31.—(1) The accounts of the Institute shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General.

Cap. 50.

(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.

(3) The remuneration of the auditor shall be paid out of the funds of the Institute.

(4) The Institute shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

(5) The auditor shall in his report state —

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

(6) The auditor may at any other time report to the Minister through the Board upon any matter arising out of the performance of his audit.

32.—(1) The auditor or any person authorised by him shall be 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 Institute. Powers of auditor.

(2) The auditor or a person authorised by him may make copies of, or make extracts from, any such accounting and other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information which that person possesses or has access to as the auditor or any duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(4) Any person who refuses or fails without any reasonable cause to allow the auditor access to any accounting and other records of the Institute in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

33.—(1) As soon as the accounts of the Institute and the financial statements have been audited in accordance with this Act, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister. Presentation of financial statements and audit reports.

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

(3) The Minister shall cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

34. The Institute shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Institute during the preceding Annual report.

financial year, and the Minister shall cause a copy of every such annual report to be presented to Parliament.

PART VII

MISCELLANEOUS

Symbol of
Institute.

35.—(1) The Institute shall have the exclusive right to the use of such symbol, design or representation as it may select or devise in connection with its activities or affairs.

(2) Any person or body corporate who uses a symbol, design or representation identical with that of the Institute or which so resembles the symbol, design or representation thereof as to deceive or cause confusion or to be likely to deceive or cause confusion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Titles of
certificates
issued by
Institute.

36.—(1) The Institute shall have the exclusive right in the form and presentation of its titles of certificates or other qualifications issued by the Institute to any person who attains the standard set by the Institute.

(2) Any person who issues or uses, or causes or permits the use of, titles of certificates or other qualifications identical with those of the Institute shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Compulsory
insurance.

37. The Institute may require any person who attends any course or avails himself of any facility provided or approved by the Institute under this Act to be insured against personal injuries and loss of life.

Accidents
happening to
workmen
during
training
provided or
approved by
Institute.
Cap.354.

38.—(1) In relation to accidents happening to workmen (within the meaning of the Workmen's Compensation Act) who attend courses or avail themselves of the facilities provided or approved by the Institute, that Act shall have effect subject to subsection (2).

(2) For the purposes of the Workmen's Compensation Act, any act done by a workman for the purposes of and in connection with his training referred to in subsection (1) shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.

39.—(1) The Chief Executive Officer may require employers in commerce or industry to furnish such returns and other information and to keep such records and produce them for examination as appear to the Chief Executive Officer to be necessary for the purposes of this Act.

Power to obtain information from employers.

(2) Subject to subsection (3), returns and other information furnished in pursuance of subsection (1) and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Institute or a committee appointed by the Institute, or an officer of the Institute or of such committee or any person entitled to take part in the proceedings of the Institute.

(3) Subsection (2) shall not apply —

(a) to the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any individual business to be ascertained from it;

(b) to any disclosure of information made for the purposes of any legal proceedings pursuant to this Act or any criminal proceedings, whether pursuant to this Act or not, or for the purposes of any report of any such proceedings.

(4) A certificate purporting to be issued by or on behalf of the Chief Executive Officer and stating that he has approved any kind of information, return or record for the purposes of subsection (2) shall, in any legal proceedings, be evidence of the facts stated in the certificate.

(5) Any person who fails to comply with any requisition made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000.

(6) Any person who —

(a) knowingly or recklessly furnishes, in pursuance of any requisition made under subsection (1), any

return or other information which is false in a material particular;

- (b) wilfully makes a false entry in any record required to be produced under subsection (1) or, with intent to deceive, makes use of any such entry which he knows to be false; or
- (c) discloses any information in contravention of subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Obstructing officers of Institute.

40. Any person who obstructs or hinders any officer, employee or agent of the Institute acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Proceedings conducted by employees of Institute.

41. Proceedings in respect of any offence under this Act or any regulations made thereunder may be conducted by an employee of the Institute.

Sanction of Public Prosecutor.

42. No prosecution in respect of any offence under this Act or any regulations made thereunder shall be instituted except by or with the sanction of the Public Prosecutor.

Offence by body corporate.

43. Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Regulations.

44.—(1) The Institute may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Institute may make regulations for all or any of the following matters:

- (a) the collection of fees, rates or charges and the award of scholarships and other financial assistance to persons attending training and education in technical skills;
- (b) the regulation and registration of training institutions;
- (c) the regulation of examinations or tests to be conducted by any person for certification of technical skills;
- (d) the registration of apprentices and the conduct and supervision and regulation of apprenticeship programmes and schemes; and
- (e) the appointment, promotion, conduct, disciplinary control, dismissal and termination of service of employees of the Institute.

45.—(1) Any document or thing done under any provision of the repealed Vocational and Industrial Training Board Act, and every such document or thing so far as it is subsisting or in force on 1st April 1992 shall continue and have effect as if it had been made or done under the corresponding provisions of this Act.

Transitional provisions.
Cap. 345.

(2) As from 1st April 1992, all references in any written law to the Vocational and Industrial Training Board shall be read as references to the Institute of Technical Education, Singapore.