

THE STATUTES OF THE REPUBLIC OF SINGAPORE

NGEE ANN POLYTECHNIC ACT

(CHAPTER 207)

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Act

23 of 1967

Amended by

17 of 1970

19 of 1972

40 of 1975

8 of 1980

4 of 1982

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Ngee Ann Polytechnic Act

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An Act for the incorporation of the Ngee Ann Polytechnic
and for matters connected therewith.

[10th November 1967]

1. This Act may be cited as the Ngee Ann Polytechnic Act. Short title.
4/82.

Interpre-
tation.
4/82.

2. In this Act, unless the context otherwise requires —
- “Chairman” means the Chairman of the Council;
- “Council” means the Council of the Polytechnic constituted under section 5;
- “Ngee Ann Kongsi” means the Ngee Ann Kongsi incorporated under the Ngee Ann Kongsi (Incorporation) Ordinance;
- “Polytechnic” means the Ngee Ann Polytechnic incorporated under section 3;
- “Principal” means the Principal of the Polytechnic appointed under section 19 (1);
- “Registrar” means the Registrar of the Polytechnic appointed under section 13 (1);
- “Senate” means the Senate of the Polytechnic constituted under section 5.

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Incorporation of
Ngee Ann
Polytechnic.
4/82.

3. There is hereby constituted in accordance with the provisions of this Act a Polytechnic with the name and style of the Ngee Ann Polytechnic, which shall be a body corporate with perpetual succession and shall have a common seal, with full power by and in such name to sue and be sued and to perform such other acts as bodies corporate may by law perform, and with other powers conferred by this Act.

Objects and
functions of
Polytechnic.

4. The objects and functions of the Polytechnic are —
- (a) to assist in the preservation, dissemination, communication and increase of knowledge;
- (b) to provide regular courses of instruction in the sciences, the technologies and commerce, and in such other branches of knowledge as the Council may from time to time determine; and
- (c) to stimulate the intellectual, cultural, commercial and industrial development of Singapore and thereby to assist in promoting its economic and social welfare.

Council
and Senate.
4/82.

5. There shall be for the Polytechnic a Council and a Senate, the composition, functions and powers of which bodies are as set out in this Act.

6. The Council shall, subject to the provisions of this Act, be the supreme governing and executive body of the Polytechnic and shall administer the property of the Polytechnic in accordance with its objects and functions as set out in section 4.

Council to be supreme governing body.
4/82.

7.—(1) The Council shall consist of the following members:

Composition of Council.
8/80.

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Principal;
- (d) three representatives of the Ngee Ann Kongsì nominated by the Committee of Management thereof; and
- (e) such other persons, not being less than 6 or more than 12, as the Minister may from time to time determine.

(2) Every member of the Council, except the Principal, 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 his appointment and shall be eligible for reappointment.

8.—(1) The office of a member of the Council shall be vacated if he —

Vacation of office of a member of Council.
8/80.

- (a) becomes a bankrupt or suspends payment to, or makes any arrangement or composition with, his creditors; or
- (b) has been absent, without leave of the Council, from 3 consecutive meetings.

(2) The Minister may revoke the appointment of a member of the Council, except that of the Principal, if the member becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties.

(3) A member of the Council, except the Principal, may resign from his appointment at any time by giving written notice to the Minister.

[7A

9.—(1) If the office of a member of the Council, other than that of the Principal, is vacant, the Minister may appoint any person to fill the vacancy and the person shall be appointed for the remainder of the term of his predecessor.

Filling of vacancy in the office of a member of Council.
8/80.

(2) Where the member in whose place a person is appointed under subsection (1) was a representative of the Ngee Ann Kongsi, the person appointed shall also be a representative of the Ngee Ann Kongsi nominated by the Committee of Management. [7B

Functions of
Council.
8/80
4/82.

10.—(1) It shall be the duty of the Council to exercise its powers in the manner best calculated to promote the objects and functions of the Polytechnic.

(2) The functions of the Council shall include —

- (a) the authorisation of appropriate and necessary expenditure within the limits of the funds available to the Polytechnic;
- (b) the receipt of an annual report on the working of the Polytechnic from the Principal;
- (c) the preparation of the annual estimates and of annual statements of accounts in accordance with any rules made under this Act;
- (d) the appointment of the members of the academic and administrative staff and the appointment of such advisers as the Council may consider necessary or desirable;
- (e) the raising of funds for the Polytechnic and the provision of the revenues of the Polytechnic;
- (f) the discipline of the Polytechnic; and
- (g) the doing of all such matters and things as the Council may consider necessary for the exercise or performance of all or any of the functions and duties of the Council. [8

Powers of
Council.
4/82.

11. For the purpose of giving effect to the provisions of this Act, the Council may, where it considers it necessary or expedient —

- (a) enter into contracts;
- (b) acquire, purchase, take, hold and enjoy movable and immovable property of every description;
- (c) sell, convey, assign, surrender and yield up, mortgage, demise, reassign, transfer or otherwise dispose of any movable or immovable property vested in the Polytechnic upon such terms as the Council considers fit;

- (d) borrow money at interest on the security of any corporate land or of any funds of the Polytechnic;
- (e) invest the funds of the Polytechnic; and
- (f) do all other matters and things incidental or appertaining to a body corporate. [9

12.—(1) The Chairman shall summon meetings of the Council as often as may be required.

Meetings
of Council.
8/80.

(2) The quorum at every meeting of the Council shall be 6 members.

(3) Every decision at a meeting of the Council 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 of the Council shall have a casting vote.

(4) The Chairman or, in his absence, the Deputy Chairman shall preside at a meeting of the Council.

(5) In the absence of the Chairman and the Deputy Chairman at a meeting of the Council, such member as the members present may elect shall preside at the meeting.

(6) The Council may grant leave of absence from a meeting of the Council to a member thereof.

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

(8) Subject to the provisions of this Act, the Council may make standing orders to regulate its own procedure.

[10

13.—(1) There shall be a Registrar of the Polytechnic who shall be appointed by the Council upon such terms and conditions as it may determine.

Registrar to
be secretary
of Council.
4/82.

(2) The Registrar shall —

- (a) be the secretary of the Council;
- (b) attend all meetings of the Council unless excused by the Chairman;
- (c) maintain proper records of the meetings; and
- (d) carry out such other duties as may be assigned to him by the Council.

(3) In the absence of the Registrar, the Chairman may appoint a suitable person to act as secretary for a particular meeting.

(4) The records of any meeting shall be circulated to members of the Council within 14 days of the date of the meeting.

(5) The Registrar shall not, unless he is a member of the Council appointed to serve in that capacity for a particular meeting under subsection (3), be entitled to vote on any question before the Council. [11

Use of
common seal.
40/75
4/82.

14.—(1) The common seal of the Polytechnic shall be in the custody of the Principal and shall not be affixed to any instrument, other than a diploma or an academic certificate, except in the presence of the Chairman or a member of the Council and the Principal who shall sign their names to the instrument in token of their presence before the common seal is affixed thereto and such signing shall be sufficient evidence that the common seal of the Polytechnic has been duly and properly affixed and that the seal is the lawful seal of the Polytechnic.

(2) The common seal of the Polytechnic may be affixed to any diploma or academic certificate in the presence of any two officers of the Polytechnic duly authorised by the Council to act in that behalf who shall sign their names to the diploma or academic certificate in token of their presence before the common seal is affixed thereto and such signing shall be sufficient evidence that the common seal of the Polytechnic has been duly and properly affixed and that the seal is the lawful seal of the Polytechnic. [12

Powers of
Senate.
4/82.

15.—(1) The Senate shall, subject to the provisions of this Act and of any rules made thereunder, have the control of —

- (a) the instruction, education and research in the Polytechnic;
- (b) the conduct of examinations for students of the Polytechnic; and
- (c) the award of certificates, diplomas and other academic qualifications.

(2) The Council may, from time to time, add to or vary the duties of the Senate set out in subsection (1). [13

16. The Senate shall consist of —

- (a) the Principal who shall be the chairman;
- (b) the Vice-Principal who shall be the deputy chairman;
- (c) the heads of all departments of the Polytechnic;
- (d) the librarian of the Polytechnic;
- (e) two members, elected from the full-time academic staff of the Polytechnic from among themselves, who shall hold office for two years; and
- (f) the Registrar who shall be the secretary. [14

Composition
of Senate.
8/80
4/82.

17.—(1) The Council and the Senate may appoint such committees or boards as the Council and the Senate respectively may think fit.

Committees
and boards.

(2) Unless otherwise expressly provided in rules made under this Act, any such committee or board may consist partly of persons who are not members of the Council or the Senate, as the case may be.

(3) Subject to the provisions of this Act, the Council and the Senate may, with or without such restrictions or conditions as the Council and the Senate respectively may think fit, delegate any of their powers and duties to any committee or board. [15

18. The financial provisions set out in the Schedule shall have effect with respect to the Polytechnic. [15A

Financial
provisions.
40/75
4/82.

19.—(1) The Council shall appoint the Principal of the Polytechnic upon such terms and conditions as it may determine.

Principal to
be chief
administra-
tive officer of
Polytechnic.
4/82.

(2) The Principal shall be —

- (a) the chief administrative and academic officer of the Polytechnic; and
- (b) responsible to the Council for —
 - (i) the proper administration and the academic management of the Polytechnic in accordance with the policy of the Council;
 - (ii) the proper enforcement of any rules made under this Act;

- (iii) the discipline of the students of the Polytechnic; and
- (iv) the preparation of the annual report on the working of the Polytechnic and of the annual estimates and of annual statements of accounts as are required to be received and prepared by the Council under section 10 (2) (b) and (c).

(3) For the purpose of giving effect to subsection (2), the Principal shall, subject to the provisions of this Act, have all such powers as are necessary or proper for that purpose.

(4) The Principal shall be entitled to speak at any meeting of any committee or board appointed under section 17 (1), but shall not be entitled to vote unless he is a member thereof. [16]

Income and
property of
Polytechnic.
19/72
4/82.

20.—(1) The income and property of the Polytechnic shall include —

- (a) such sums of money and movable property as the Ngee Ann Kongsi may donate or contribute to the Polytechnic;
- (b) such immovable property as the Ngee Ann Kongsi may alienate or donate to the Polytechnic; and
- (c) gifts, grants, donations and other assets from any source and of whatever nature.

Cap. 370.
19/72
4/82.

(2) Section 20 of the Ngee Ann Kongsi (Incorporation) Ordinance shall not apply to the alienation or donation of immovable property by the Ngee Ann Kongsi to the Polytechnic. [17]

Annual
report.
40/75
4/82.

21. The Council shall, as soon as practicable after the close of each financial year, submit to the Minister an annual report on the activities of the Polytechnic during that year and the Minister shall cause a copy of every such report to be presented to Parliament. [17A]

Ngee Ann
Polytechnic
Students'
Union.
8/80
4/82.

22.—(1) There shall be a students' association to be known as the Ngee Ann Polytechnic Students' Union which shall be constituted by rules made under section 24 (1) and shall consist of such constituent bodies as may be prescribed by those rules.

(2) The constitution, membership, functions and other matters relating to the Ngee Ann Polytechnic Students'

Union and each of its constituent bodies shall be so prescribed.

(3) The Council may impose and collect from the students or any class thereof such fees as it may determine for the benefit of the Ngee Ann Polytechnic Students' Union and its constituent bodies; and such fees may be applied in such manner as the Council thinks fit for the purposes of the Union and its constituent bodies.

(4) The Ngee Ann Technical College Students' Union constituted before 1st April 1980* shall on 7th November 1980† be dissolved, and all its property, assets, rights, liabilities and obligations of every description shall vest without further assurance in the Ngee Ann Polytechnic Students' Union. [17B

23.—(1) Notwithstanding anything to the contrary in the Societies Act, the provisions of that Act shall apply to the Ngee Ann Polytechnic Students' Union constituted by rules made under section 24 (1) and its constituent bodies.

Application
of Societies
Act to
Students'
Union.
Cap. 311.

(2) The Minister charged with responsibility for societies may, by order published in the *Gazette*, exempt the Ngee Ann Polytechnic Students' Union and any of its constituent bodies from all or any of the provisions of the Societies Act subject to such conditions as may be specified in the order.

8/80.

[17c

24.—(1) The Council may, with the approval of the Minister, make such rules as seem to it to be necessary or expedient for the purpose of carrying out the provisions of this Act.

Rules.
8/80
4/82.

(2) Without prejudice to the generality of subsection (1), rules may be made for any of the purposes or with respect to any of the following matters:

(a) matters relating to the general administration and the academic management of the Polytechnic including —

(i) the qualifications necessary for admission to the Polytechnic, the courses of

*Date of commencement of the Ngee Ann Technical College (Amendment) Act 1980 (No. 8/80).

†Date of commencement of the Ngee Ann Polytechnic (Students' Union) Rules 1980 vide G.N. S299/80.

instruction to be provided for students at the Polytechnic, the duration and number of terms thereat and the award of certificates, diplomas and other academic qualifications; and

- (ii) the grant of scholarships and studentships and the revocation of any such grant;
- (b) the establishment of a scheme or schemes for the payment of gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Polytechnic as the Council may determine, on their death or retirement from the service of the Polytechnic or on their otherwise leaving the service of the Polytechnic;
- (c) the regulation of the proceedings of the Council;
- (d) the regulation of the keeping and presentation of accounts and the audit of accounts;
- (e) the fees to be charged for courses of study and any other fees that may be levied by the Polytechnic;
- (f) the management of the library and laboratories and all other branches of activity of the Polytechnic not specifically provided for in this Act;
- (g) the constitution, powers and duties of any committee or board appointed under section 17 (1);
- (h) the appointment, promotion, conduct, disciplinary control, dismissal and termination of service of the academic and administrative staff of the Polytechnic; and
- (i) the conduct and disciplinary control of students.

(3) All rules made under this section shall be published in the *Gazette*. [18

Construction
of contracts,
gifts, etc.
4/82.

25.* On and after 16th April 1982, any reference to the Ngee Ann Technical College contained in any contract, agreement, bequest, will, trust or other instrument shall have effect as if it were a reference to the Ngee Ann Polytechnic.

*This section was formerly section 5 of the Ngee Ann Technical College (Amendment) Act 1982 (No. 4 of 1982).

THE SCHEDULE
FINANCIAL PROVISIONS

Section 18.
40/75,
8/80,
4/82.

1. The Council shall keep proper accounts and records of the transactions and affairs of the Polytechnic including an assets register which shall record all the assets of the Polytechnic, whether purchased, donated or otherwise, and shall do all things necessary to ensure that all payments out of moneys of the Polytechnic are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Polytechnic and over the expenditure incurred by the Polytechnic.

2. The accounts of the Polytechnic shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General (referred to in this Schedule as the auditor).

3. The remuneration of the auditor shall be paid out of the funds of the Polytechnic.

4. The Council 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 report —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Polytechnic; and
- (b) such other matters arising from the audit as he considers should be reported.

6. The auditor shall state in his report whether —

- (a) proper accounting and other records have been kept; and
- (b) the receipt, expenditure, and investment of moneys and the acquisition and disposal of assets by the Polytechnic during the financial year have been in accordance with the provisions of this Act.

7. The auditor may at any other time report to the Minister through the Council any matter arising out of the performance of his audit.

8. 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 Polytechnic.

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

10. The auditor or any person authorised by him may require any person to furnish him with such information which such 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.

THE SCHEDULE — *continued*

11. Any officer of the Polytechnic who refuses or fails without any reasonable cause to allow the auditor access to any accounting and other records of the Polytechnic 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 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 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.

12. As soon as the accounts of the Polytechnic and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman of the Council, together with a copy of any report thereon made by the auditor, shall be submitted to the Minister.

13. Where the Auditor-General has not been 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 Council.

14. The Minister shall cause a copy of the audited financial statements and of the auditor's report to be published in the *Gazette* and to be presented to Parliament.