

THE STATUTES OF THE REPUBLIC OF SINGAPORE

NANYANG TECHNOLOGICAL INSTITUTE ACT

(CHAPTER 192)

Act
12 of 1981

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Nanyang Technological Institute Act

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An Act for the establishment and incorporation of the Nanyang Technological Institute and for matters connected therewith.

[8th August 1981]

1. This Act may be cited as the Nanyang Technological Institute Act. Short title.

2. In this Act, unless the context otherwise requires — Interpre-
tation.
 “Council” means the Council of the Institute;
 “Institute” means the Nanyang Technological Institute established and incorporated by this Act.

3. There is hereby established an Institute to be known as the Nanyang Technological Institute which shall be a body Establish-
ment of
Nanyang
Techno-
logical
Institute.

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.

Common seal.

4.—(1) The common seal of the Institute shall be kept in such custody as the Council directs.

(2) All deeds, documents and other instruments requiring the seal of the Institute shall be sealed with the common seal of the Institute, and the instruments to which the common seal is affixed shall be signed by the President of the Institute or its Vice-President and by a member of the Council.

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

Functions and powers of Institute.

5.—(1) The functions of the Institute shall include —

- (a) the provision of facilities for higher instruction, training and research in various branches of engineering and technology;
- (b) the advancement and dissemination of knowledge and the promotion of research and scholarship in engineering and technology;
- (c) the provision of instruction and carrying out of research in such other disciplines or subjects as the Council may from time to time determine; and
- (d) the awarding of diplomas and certificates and other distinctions.

(2) The Institute may, for the purpose of discharging its functions —

- (a) provide such facilities for its students as it considers desirable;
- (b) enter into and carry out such arrangements as the Council may think fit with the National

University of Singapore for the co-ordination of the work of the Institute with the work of the National University of Singapore;

- (c) co-operate with the National University of Singapore for the conduct of courses and examinations and for such other purposes as the Institute may from time to time determine;
- (d) institute professorships, lectureships, and other posts and offices and make appointments thereto;
- (e) regulate conditions of service of officers and employees of the Institute, including schemes of service, salary scales, leave and discipline;
- (f) fix, demand and receive fees and other charges;
- (g) promote the formation of or acquire any interest in any undertaking; and
- (h) do all such things as may be necessary, incidental or conducive to the attainment of all or any of its functions and powers.

6.—(1) The Institute shall be governed by the provisions of the Constitution of the Institute set out in the Schedule. Constitution of Institute.

(2) The Minister may, on the advice of the Council, amend the Constitution of the Institute by order published in the *Gazette*.

(3) Statutes and regulations of the Institute made under the Constitution of the Institute shall not be deemed to be subsidiary legislation.

7.—(1) The Minister for Finance shall pay to the Institute such moneys as may be provided by Parliament from time to time as grants-in-aid to the Institute. Grants-in-aid.

(2) All moneys paid to the Institute under subsection (1) may be applied or expended by the Institute for all or any of the purposes of the Institute.

8.—(1) 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, Accounts and financial statements.

the Institute and over the expenditure incurred by the Institute.

(2) The Institute 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 Institute.

Audit of
accounts.

9.—(1) The accounts of the Institute 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.

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 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.

(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 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 receipts, expenditure and investment of moneys, and the acquisition and disposal of assets by the Institute 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 Institute. He shall also submit such periodical and special reports to the Minister and to the Institute as may appear to him to be necessary or as the Minister or the Institute may require.

10.—(1) The Institute shall, as soon as the accounts of the Institute 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 President of the Institute and its Bursar, 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 Institute, 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 Institute.

(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.

11.—(1) The Institute shall, as soon as practicable after the end of each academic year, submit to the Minister an annual report of the activities of the Institute during that year.

Annual report.

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

12.—(1) The President may by order grant to the Institute any State land for the purposes of the Institute subject to such restrictions, conditions and prohibitions relating to the use, occupation or disposition of the land as may be specified in the order.

Grant and acquisition of land for purposes of Institute.

(2) Where any immovable property, not being State land, is needed for the purpose of the Institute and cannot be acquired by agreement, the Institute may request and the President may if he thinks fit direct the acquisition of the immovable property; in such a case the immovable property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose, and any declaration required to be made under any such written law that the property is so needed may be made (notwithstanding that compensation is to be paid out of the funds of the Institute) and shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

(3) Expenses and compensation in respect of any immovable property acquired under subsection (2) shall be paid by the Institute.

(4) All State land granted or immovable property acquired under this section shall vest in the Institute and an entry to that effect shall be made in the appropriate register by the appropriate registering authority.

Application
of Societies
Act to
student
bodies.
Cap. 311.

13.—(1) Notwithstanding anything to the contrary in the Societies Act, the provisions of that Act shall have effect in relation to the Nanyang Technological Institute Students' Union and its constituent bodies constituted in accordance with the Constitution of the Institute.

(2) The appropriate Minister may, by order published in the *Gazette*, exempt the Nanyang Technological Institute 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.

Rules.

14.—(1) The Minister may make rules —

- (a) to provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act; and
- (b) for the appointments of the President of the Institute and the Deans of Schools of the Institute.

(2) Any rules made under subsection (1) shall have effect notwithstanding anything to the contrary in the Constitution of the Institute.

THE SCHEDULE

Section 6 (1).

CONSTITUTION OF THE INSTITUTE

PART I

PRELIMINARY

Citation.

1. This Constitution may be cited as the Constitution of the Nanyang Technological Institute.

Interpre-
tation.

2.—(1) In this Constitution, unless the context otherwise requires —

“Academic Board” means the Academic Board of the Institute;

“Council” means the Council of the Institute;

“institution” means a division or other body established under section 15;

“officer” means the President, a Vice-President, the Dean of a School, the Registrar, the Bursar, the Librarian or the holder of any office created by statute;

“President” means the President of the Institute;

“regulation” means any regulation made by any officer or other body of the Institute in accordance with the provisions of this Constitution or of any statute;

“School” means a School established under section 15;

“statute” means statute of the Institute;

“teacher” means a person appointed to be a teacher by the Council in accordance with this Constitution and includes a professor, associate professor, senior lecturer and lecturer.

(2) In this Constitution —

(a) a reference to a specified section is a reference to that section of this Constitution; and

(b) a reference to a specified subsection is a reference to that subsection of the section in which the reference occurs.

PART II

OFFICERS OF THE INSTITUTE

3.—(1) There shall be a President of the Institute who shall be appointed by the Council.

The President and Vice-Presidents of the Institute.

(2) The President shall —

(a) be the principal executive and academic officer of the Institute;

(b) subject to the provisions of this Constitution, exercise general supervision over the arrangements for instruction, research, finance, administration, welfare and discipline in the Institute, and may exercise such other powers and perform such other duties as may be conferred or imposed upon him by this Constitution and any statute or regulation; and

(c) have the right to attend and to address meetings of any committee of the Council or the Academic Board.

(3) The terms of office and other conditions of service of the President shall be determined by the Council and shall be embodied in a contract under the seal of the Institute.

(4) There shall be one or more Vice-Presidents who shall be appointed by the Council after consultation with the President for such period as the Council may determine or as may be prescribed by statute.

(5) The duties of the Vice-President may be prescribed by statute.

(6) If for any substantial period the President is unable, by reason of illness, leave of absence or any other cause, to exercise any of the

functions of his office, the Vice-President (if there is only one Vice-President) shall exercise those functions and in the event of the absence or disability of the Vice-President the Council shall make such temporary arrangements as it may think fit for the exercise of those functions.

(7) If there is more than one Vice-President, the Vice-President nominated by the President (or by the Council if the President is unable to so nominate) shall exercise the functions of the President in accordance with subsection (6).

Registrar,
Bursar and
Librarian.

4.—(1) There shall be a Registrar, a Bursar and a Librarian who shall be full-time officers of the Institute and shall have such powers and duties as may be prescribed by statute.

(2) The Registrar, the Bursar and the Librarian shall be appointed by the Council after consultation with the President.

(3) Subject to the provisions of this Constitution, the terms of office and other conditions of appointment of the Registrar, the Bursar and the Librarian shall be determined by the Council and shall be embodied in contracts under the seal of the Institute.

Other
officers.

5. The Institute may appoint such other officers as may be prescribed by statute.

PART III

THE COUNCIL, ACADEMIC BOARD, SCHOOLS AND INSTITUTIONS

The Council

Council.

6.—(1) There shall be a Council of the Institute which shall consist of the following members:

- (a) the President;
- (b) the Vice-Chancellor of the National University of Singapore;
- (c) the Dean of the Faculty of Engineering of the National University of Singapore;
- (d) four members representing the teaching staff of the Institute to be appointed by the Academic Board on the recommendation of the President, of whom —
 - (i) at least two shall be from among Deans of Schools and heads of institutions; and
 - (ii) at least one shall be a full-time teacher who is neither a Dean of School nor head of institution;
- (e) five persons to be appointed by the Government, of whom one shall be on the nomination of the Professional Engineers Board and one shall be on the nomination of the Council of the Institution of Engineers, Singapore; and
- (f) three persons to be appointed by the Vice-Chancellor of the National University of Singapore.

(2) Every appointed member of the Council shall hold office for a term of 4 years* or such shorter period as may be specified in his terms of appointment and shall be eligible for reappointment.

(3) The Council shall from time to time elect a chairman and a deputy chairman from among its members.

(4) The chairman and the deputy chairman of the Council shall hold office for a term of 3 years unless he sooner resigns that office or vacates his seat as a member of the Council.

(5) No member of the Council who is an officer, teacher or full-time employee of the Institute shall be eligible for election as chairman or deputy chairman of the Council.

7.—(1) If any appointed member of the Council —

- (a) dies;
- (b) resigns his office by writing under his hand delivered to the Registrar;
- (c) ceases, in the case of a member appointed under section 6 (1) (d), to be a teacher;
- (d) becomes a mentally disordered person within the meaning of the Mental Disorders and Treatment Act;
- (e) is adjudicated a bankrupt;
- (f) has been convicted of an offence punishable by imprisonment for a term of not less than 2 years; or
- (g) fails to attend 3 consecutive meetings of the Council without leave of the Council,

Casual
vacancies
in Council.

Cap. 178.

his seat shall become vacant, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) Every casual vacancy in the office of an appointed member shall, as soon as practicable, be filled by the appointment of a member in place of the vacating member in accordance with whichever paragraph of section 6 (1) as is appropriate; and the member appointed to fill any casual vacancy shall hold office for the residue of his predecessor's term of office.

8.—(1) The Council shall be the executive body of the Institute, and may exercise all the powers conferred on the Institute, save in so far as those powers are by this Constitution or the statutes and regulations conferred on some other body or on some officer of the Institute:

Powers of
Council.

Provided that no resolution shall be passed by the Council relating to any matter within the powers of the Academic Board, unless the Academic Board has first been given the opportunity of recording and transmitting to the Council its opinion on that matter.

*The first members referred to in section 6 (1) (d) and (f) were by virtue of G.N. S 263/81 appointed by the Minister and held office for a term of two years.

(2) The Council may by resolution appoint such committees as it thinks fit to assist and advise the Council in carrying out its functions and the exercise of its powers.

(3) A committee appointed under subsection (2) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

Meetings of Council.

9.—(1) The Council shall meet at such time and place as it may determine.

(2) At any meeting of the Council, 6 members of the Council shall form a quorum.

(3) The chairman of the Council shall preside at all meetings of the Council and in his absence the deputy chairman shall preside. In the absence of both the chairman and the deputy chairman, the members present shall elect one of their number to preside.

(4) Every question before the Council shall be decided by the majority of the votes of the members present at the meeting of the Council and entitled to vote on that question.

(5) The person presiding at any meeting of the Council shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote.

Proceedings of Council not affected by vacancies, etc.

10. No act or proceeding of the Council or of any committee thereof or of any person acting as a member of the Council shall be invalidated in consequence of there being a vacancy in the membership of the Council at the time of the act or proceeding, or of any defect in the appointment of any person so acting or that he was incapable of being or had ceased to be such a member.

The Academic Board

Academic Board.

11.—(1) There shall be an Academic Board of the Institute which shall consist of —

- (a) the Vice-Chancellor of the National University of Singapore or his representative who shall be the chairman;
- (b) the President who shall be the deputy chairman;
- (c) the Dean and the Vice-Dean of the Faculty of Engineering of the National University of Singapore;
- (d) the Deans of Schools;
- (e) the professors of the Institute; and
- (f) such other persons as may be prescribed by statute.

(2) The Academic Board shall be the academic body of the Institute and shall, subject to the provisions of this Constitution, the statutes and regulations, be responsible for directing instruction, research and examination, and have the power to award diplomas and certificates.

(3) The Senate of the National University of Singapore shall have control over all matters relating to the admission, instruction and examination of candidates for degrees of that University and may give directions to the Academic Board on such matters.

12.—(1) The Academic Board may from time to time appoint standing or special committees. Academic Board may appoint committees.

(2) The Academic Board may delegate any of its powers and duties to any such committee or to any person; and the committee or person may, without confirmation by the Academic Board, exercise or perform those powers and duties in like manner and with the same effect as the Academic Board could itself have exercised or performed them.

13.—(1) The Academic Board shall meet at such time and place as it may determine. Meetings of Academic Board.

(2) At any meeting of the Academic Board, not less than one-third of the members of the Academic Board shall form a quorum.

(3) Every question before the Academic Board shall be decided by the majority of the votes of the members present at the meeting of the Academic Board entitled to vote on that question.

(4) The person presiding at any meeting of the Academic Board shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote.

14. No act or proceeding of the Academic Board or of any committee thereof or of any person acting as a member of the Academic Board shall be invalidated in consequence of there being a vacancy in the membership of the Academic Board at the time of that act or proceeding, or of any defect in the appointment of any person so acting or that he was incapable of being or had ceased to be such a member. Proceedings of Academic Board not affected by vacancies, etc.

Schools and institutions

15.—(1) The Institute shall be divided into such number and names of Schools and institutions as may be prescribed by statute. Schools and institutions.

(2) A School or an institution (not being a division of any School) shall be responsible to the Academic Board for the organisation of instruction in the subjects of study within the purview of the School or institution, as the case may be, and may exercise such other functions as may be conferred on it by statute or regulation.

(3) The President shall, after consultation with a School, appoint from among its members a Dean for that School. The Dean shall be the chairman of the School and shall exercise such other functions as may be vested in him by statute or regulation.

(4) Subject to the provisions of any statute, the President shall have power to appoint a person to be the head of an institution, and the head shall have such designation as may be prescribed by statute or regulation, and if owing to absence on leave or for any other reason the

head of an institution is unable to perform his duties the President may, except as otherwise provided by statute, appoint a person to perform those duties for such time as the disability may continue.

(5) The head of an institution being a division of a School shall be responsible to his School for the organisation of teaching and research in his institution.

PART IV

STATUTES AND REGULATIONS

Statutes of
Institute.

16.—(1) Subject to the provisions of this Constitution, the Council may from time to time make such statutes of the Institute as may be necessary or expedient for the administration of the affairs or for carrying out the functions of the Institute.

(2) Without prejudice to the generality of subsection (1), statutes may be made to prescribe or provide for all or any of the following matters:

- (a) the powers and duties of the officers of the Institute;
- (b) the manner of appointment, the dismissal and the conditions of service of the officers and employees of the Institute;
- (c) the determination of and the principles governing the award of diplomas, certificates and other distinctions;
- (d) the conditions of admission and residence of students and their discipline and welfare;
- (e) the number and scope of examinations for courses leading to the award of diplomas and certificates;
- (f) the appointment, powers, duties, remuneration and conditions of service of examiners and the conduct of examinations for courses leading to the award of diplomas and certificates;
- (g) the admission of students to the examinations and to diploma and other courses of the Institute;
- (h) the management of the library, lecture halls, the laboratories, research institutes and halls of residence;
- (i) the fees to be charged for courses of study, for residence and for admission to examinations and any other fees that may be levied by the Institute;
- (j) any matters which by this Constitution are required or permitted to be prescribed by statute; and
- (k) matters incidental to or consequential upon any of the matters aforesaid.

(3) No statute or any amendment to a statute or any revocation thereof dealing with any of the following matters:

- (a) the powers and duties of the Dean of a School or the head of an institution; and
- (b) the manner of appointment and conditions of service of teachers,

shall be made by the Council until it has been referred to the Academic Board and the Academic Board has reported to the Council its observation thereon.

(4) No statute dealing with —

(a) any matter referred to in subsection (2) (c) to (h); or

(b) any matter within the jurisdiction of the Academic Board,

shall be made unless the Academic Board has agreed to the terms of the statute.

17.—(1) The Council and the Academic Board may each make regulations for or with respect to its own procedure. Regulations of Institute.

(2) The Academic Board may make regulations for or with respect to the procedure of a School, institution or any other board or committee subject to the jurisdiction of the Academic Board.

(3) The Academic Board may make regulations prescribing courses of study or syllabuses for examinations leading to —

(a) the award of diplomas and certificates of the Institute; and

(b) with the approval of the Senate of the National University of Singapore, the award of degrees of that University.

(4) A statute may provide for empowering any School or institution (not being a division of a School) or officer of the Institute to make regulations (not inconsistent with this Constitution or any statute) for dealing with any specified matter or for carrying out or giving effect to any statute.

18.—(1) When any statute is made, amended or revoked, every such statute, amendment or revocation shall, within one month after it is made, be published in the *Gazette* and may be published in such newspapers circulating in such places as the Council may direct. Publication of statutes and regulations.

(2) The statutes and regulations of the Institute in force on the date of publication shall be published annually in book form and copies thereof shall be made available for purchase at a reasonable price by members of the public.

(3) Nothing in this section shall apply to any regulation containing only instructions to examiners or invigilators or to any other regulation which the Council resolves not to publish.

19. In the event of —

(a) any statute being inconsistent with the provisions of this Constitution; or

(b) any regulation being inconsistent with the provisions of this Constitution or any statute,

Inconsistencies between the Constitution and statutes, etc.

the provisions of this Constitution or statute, as the case may be, shall prevail and that statute or regulation, as the case may be, shall to the extent of the inconsistency be void.

PART V

FINANCIAL PROVISIONS

- Financial year. 20. The financial year of the Institute shall begin on 1st April each year and end on 31st March the succeeding year.
- Standing Finance Committee. 21. The Council shall appoint a Standing Finance Committee for regulating and controlling the finances of the Institute.
- Preparation of estimates. 22. It shall be the duty of such officers of the Institute as may be prescribed by statute to prepare for the consideration of the President the estimates of income and expenditure of the Institute for each financial year.
- Estimates. 23.—(1) The estimates of income and expenditure shall be in such form as the Council may direct and shall be presented by the President to the Council and approved by the Council before the beginning of the financial year, except that the President may present, and the Council may approve, supplementary estimates at any time.
(2) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.
- Power of Council to accept gifts. 24.—(1) The Council may on behalf of the Institute accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of the finances of the Institute on such conditions as it may determine.
(2) Records shall be kept of all donations to the Institute including the names of donors and any special conditions on which any donation may have been given.
- Property donated for specific purposes to be separately accounted for. 25. All property, moneys or funds donated for any specific purpose shall be applied and administered in accordance with the purpose for which they may have been donated and shall be separately accounted for.

PART VI

GENERAL

- Boards of selection. 26.—(1) A teacher of the Institute shall be appointed by the Council after consideration of the advice of the appropriate board of selection.
(2) The composition and powers of boards of selection shall be prescribed by statute.
- Board of studies. 27.—(1) The Academic Board may from time to time appoint a board of studies —
(a) to deal with matters pertaining to one or more Schools or institutions; and

- (b) to consider proposals referred to it by the Academic Board for the establishment of a new School or institution,

and in either case to report thereon to the Academic Board or to such other body as the Academic Board may direct.

(2) Where any report under subsection (1) deals with any matter concerning the degrees of the National University of Singapore, the report shall not be adopted by the Academic Board without the prior approval of the Senate of that University.

(3) The composition, powers and duties of a board of studies shall be determined by the Academic Board.

28.—(1) There shall be a students' association to be known as the Nanyang Technological Institute Students' Union which shall be constituted by statute made for that purpose and shall consist of such constituent bodies as may be prescribed by the statute. Students' Union.

(2) The constitution, membership, functions and other matters relating to the Nanyang Technological Institute Students' Union and each of its constituent bodies shall be prescribed by statute.

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

(4) No student who is not reading a full-time course of study shall be eligible to be a member of the Students' Union.

29.—(1) An officer may from time to time, in respect of a specified matter or class of matters, by writing delegate to any person the exercise of any power or the performance of any duty to be exercised or performed by the officer under the provisions of this Constitution or any statute or regulation. Delegation of powers of officers.

(2) A delegation under this section may —

- (a) be subject to such terms and restrictions as may be specified in the instrument of delegation; and
(b) be revoked at any time by the officer making the delegation.

(3) No delegation of any power or any duty under this section shall affect the exercise of the power or the performance of the duty by the officer making the delegation.