



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 13th April 1993 and assented to by the President on 28th April 1993:—

### **NATIONAL HERITAGE BOARD ACT 1993**

**(No. 13 of 1993)**

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**REPUBLIC OF SINGAPORE**

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**No. 13 of 1993.**

I assent.



WEE KIM WEE  
*President.*  
*28th April 1993.*

An Act to establish the National Heritage Board, to transfer to it the National Museum, the National Archives and Records Centre and the Oral History Department and to repeal the National Archives and Records Centre Act (Chapter 193 of the 1985 Revised Edition) and section 21 of the Science Centre Act (Chapter 286 of the 1985 Revised Edition) and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

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PART I  
PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the National Heritage Board Act 1993 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

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

“appointed day” means the date of commencement of this Act;

“Board” means the National Heritage Board established under section 3;

“Chairman” means the Chairman of the Board and includes any temporary Chairman of the Board;

“chief executive officer” means the chief executive officer of the Board and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Board and includes any temporary Deputy Chairman of the Board;

“Fund” means the National Heritage Endowment Fund established under section 35(1);

“member” means a member of the Board;

“National Archives” means the National Archives of Singapore established under section 17(1);

“object” includes any work of art and any artifact;

“public archives” means those public records that —

(a) are more than 25 years old;

(b) are specified by the Board as being of national or historical significance; and

(c) have been transferred to the Board or to such other place as the Board may from time to time determine;

“public office” means any department, office, institution, agency, commission, board, local authority or statutory body or any other office of the Government or branch or subdivision thereof, and any other body that the President may, by notification in the *Gazette*, declare to be a public office;

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microforms, videotapes, films, machine readable and electronic records, sound recordings and other forms of records of any kind whatsoever, produced or received by any public office in the transaction of official business, or by any officer in the course of his official duties, and includes public archives.

## PART II

### ESTABLISHMENT, CONSTITUTION, FUNCTIONS AND POWERS OF BOARD

#### **Establishment of National Heritage Board**

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

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

#### **Common seal**

4.—(1) The Board shall have a common seal which shall be kept in such custody as the Board thinks fit.

(2) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board and every document to which the common seal is affixed shall be signed by any two members of the Board generally or specially authorised by the

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Board for the purpose or by one member so authorised and the chief executive officer.

(3) 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.

### **Constitution of Board**

**5.**—(1) The Board shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than 10 nor more than 25 other members as the Minister may from time to time determine.

(2) The First Schedule shall have effect with respect to the Board, its members and proceedings.

### **Functions of Board**

**6.** The functions of the Board shall be —

- (a) to explore and present the heritage and nationhood of the people of Singapore in the context of their ancestral cultures, their links with South-East Asia, Asia and the world through the collection, preservation, interpretation and display of objects and records;
- (b) to promote public awareness, appreciation and understanding of the arts, culture and heritage, both by means of the Board's collections and by such other means as it considers appropriate;
- (c) to promote the establishment and development of organisations concerned with the national heritage of Singapore;
- (d) to provide a permanent repository of records of national or historical significance and to facilitate access thereto;
- (e) to conduct records management programmes for the Government;

- (f) to record, preserve and disseminate the history of Singapore through oral history methodology or other means; and
- (g) to advise the Government in respect of matters relating to the national heritage of Singapore.

### **Powers of Board**

7.—(1) The Board shall have power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Board shall include power —

- (a) to develop and manage museums, archives, oral history centres and other facilities related to its functions;
- (b) to collect, classify, preserve and display objects and records relevant to its functions;
- (c) to advise and facilitate the preservation of historic sites;
- (d) to undertake or sponsor research and investigation relevant to its functions;
- (e) to arrange for the acquisition, production or publication and the sale to the public of books, pamphlets, replicas and other materials related to its functions;
- (f) to undertake or sponsor programs for the training of persons in the professions and skills involved in the operation of museums, archives and oral history centres;
- (g) to establish liaison with other museums, archives, oral history centres, universities and other institutions to secure maximum collaboration of all activities relevant to its functions;
- (h) to arrange for or provide professional and technical services, on such terms and conditions as may be approved by the Board;
- (i) to raise funds by all lawful means and receive gifts and donations, whether on trust or otherwise;



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- (j) to extend grants, contributions or loans to any person or organisation connected with the national heritage of Singapore;
  - (k) to enter into contracts and establish trusts;
  - (l) to enter into joint ventures with any person or organisation, or form or participate in the formation of a company;
  - (m) to provide or undertake publicity in any form; and
  - (n) to charge fees, commissions or rent for any objects, services or facilities provided by the Board.

### **Appointment of committees and delegation of powers**

**8.**—(1) The Board may appoint, from among its own members or other persons who are not members of the Board, such number of committees as it thinks fit 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.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or to any member, officer or employee of the Board, any of the functions or powers of the Board under this Act, except the power of delegation conferred by this section.

(3) No delegation under this section shall prevent the performance or exercise of any function or power by the Board.

### **Annual report**

**9.**—(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 that financial year.

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

**Directions by Minister**

10.—(1) The Minister may, in consultation with the Board or otherwise, give the Board such directions, not inconsistent with the provisions of this Act, as he thinks fit as to the exercise and performance by the Board of its functions under this Act and the Board shall give effect to any such directions.

(2) The Board shall give the Minister such information with regard to its property and activities as the Minister may require.

**PART III****NATIONAL MUSEUM OF SINGAPORE****Establishment of museums**

11.—(1) The Board shall establish such museums as it thinks fit.

(2) Every museum established by the Board under subsection (1) shall be known by such name as the Board thinks fit.

(3) All museums established by the Board under subsection (1) and the museum transferred to the Board under section 37(1) shall collectively be known as the National Museum of Singapore.

**Appointment of directors of museums**

12. The Board may appoint a director for any museum established by the Board under section 11(1) and the museum transferred to it under section 37(1) who shall be responsible to the Board for the general management and control of the museum so established or transferred.

**Initial vesting of objects in Board**

13.—(1) Where the property in an object was vested in the Government immediately before the appointed day, and the object —

- (a) then formed part of the collections of the National Museum;  
or
- (b) was then in use in respect of the collections or solely for the purposes of the administration of the National Museum,

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then the property shall on that day become vested instead in the Board.

(2) In the case of an object mentioned in subsection (1)(a), it is immaterial that, immediately before the appointed day, it was situated elsewhere than at premises managed for the purposes of the National Museum.

(3) On the appointed day, any right, power, duty or liability which was immediately before that day exercisable by or incumbent on the Government in relation to any object mentioned in subsection (1) shall instead become exercisable by or incumbent on the Board.

(4) Subsections (1) and (3) shall not apply as regards such object excepted from those provisions as the Minister may specify.

### **Certain gifts vesting on or after appointed day**

**14.**—(1) Subsection (2) shall apply to a gift (by will or otherwise) —

- (a) which is contained in an instrument made or executed before the appointed day but coming into effect on or after that day; and
- (b) which would, apart from this Act, have vested an interest in property (of any nature) in the Government for the purposes of the National Museum.

(2) The gift shall, in the absence of any contrary intention expressed in that or another instrument made by the testator or donor, have effect so as to vest the interest in the Board in place of the Government.

### **Acquisition and disposal of objects**

**15.**—(1) The Board may acquire (whether by purchase, exchange or gift) any object which in its opinion it is desirable to add to its collections.

(2) Without prejudice to any power apart from this subsection, the Minister may transfer to the Board any object (whether or not he acquired it before the Board's establishment) if in his opinion it would appropriately form part of its collections.

(3) The Board may not dispose of an object of significant national or historical value the property in which is vested in it and which is comprised in its collections unless with the prior approval of the Minister and the disposal is by way of sale, exchange or gift of an object which —

- (a) is a duplicate of another object the property in which is so vested and which is so comprised; or
- (b) in the Board's opinion is unsuitable for retention in its collections.

(4) The Board may dispose of (by whatever means, including destruction) any object which the Board is satisfied has become useless for the purposes of its collections by reason of damage, physical deterioration or infestation by destructive organisms.

(5) An object may be disposed of as mentioned in subsection (4) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

(6) Money accruing to the Board by virtue of a disposal mentioned in this section shall be applied by the Board in the acquisition of objects to be added to its collections.

### **Lending and borrowing of objects**

**16.**—(1) Subject to subsection (2), the Board may lend any object the property in which is vested in it and which is comprised in its collections (whether or not the loan is for purposes of public exhibition, and whether or not under the terms of the loan the object is to remain in Singapore).

(2) In deciding whether or not to lend an object, and in determining the time for which and the conditions subject to which an object is to be lent, the Board —

- (a) shall give special consideration to a request for the loan of an object for public exhibition; and
- (b) subject to paragraph (a), shall have regard to the interests of students and other persons visiting the Board's collections, the suitability of the prospective borrower, the purpose of the

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loan, the physical condition and degree of rarity of the object and any risks to which it is likely to be exposed.

(3) Where the property in an object has become vested in the Board subject to a condition, the power conferred by subsection (1) is exercisable in a manner inconsistent with the condition if either —

- (a) 25 years have elapsed since the date on which the property became vested in the Board; or
- (b) the person who first imposed the condition or his personal representatives have consented in writing to the exercise of the power in that manner.

(4) The Board may accept loans of objects for the purpose, subject to the terms of the loan, of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.

#### PART IV

#### NATIONAL ARCHIVES OF SINGAPORE

#### **Establishment of National Archives of Singapore**

**17.—**(1) The Board shall establish the National Archives of Singapore in which records of national or historical significance shall be preserved.

(2) The Board —

- (a) shall examine the public records in any public office and advise the office as to their care and custody;
- (b) shall take necessary measures to classify, identify, preserve and restore public records;
- (c) shall make known information concerning archives by any means, including publications, exhibitions and heritage promotional activities;
- (d) shall conduct a records management programme for the efficient creation, utilisation, maintenance, retention, preservation and disposal of public records;

- (e) shall advise public offices concerning standards and procedures pertaining to the management of public records;
- (f) may provide information, consultation, research and other services related to archives;
- (g) may, subject to the terms and conditions, if any, on which they were acquired, reproduce or publish any public archives; and
- (h) may acquire by purchase, donations, bequest or otherwise any document, book or other material which, in the opinion of the Board, is or is likely to be of national or historical significance.

### **Appointment of director of National Archives**

**18.**—(1) The Board shall appoint a director of National Archives who shall be responsible to the Board for the general management and control of the National Archives.

(2) The director of National Archives and any person acting on behalf or under the direction of the director shall, with respect to access to public records, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to the public records.

### **Transfer of public records to National Archives**

**19.** Any public records which, in the opinion of the Board, are of national or historical significance shall be transferred to the care and control of the National Archives in accordance with such schedules or other agreements for the transfer of records as may be agreed on between the Board and the public office or person responsible for the public records.

### **Return of illegally removed public records**

**20.** The Board shall demand in writing and take steps for the return of any public records belonging to the Government that have been illegally removed from official custody.

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**Destruction or disposal of public records only on authority of Board**

**21.**—(1) No person shall, without the authorisation of the Board under subsection (4), destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

(2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the Board of that intention and shall, in his notification, specify the nature of the public records in question.

(3) The Board may inspect any public records specified in any notification under subsection (2) and shall, if it requires those records to be made available to it, inform the person making the notification of that requirement, and the public records shall be made available to the Board.

(4) The Board may authorise the destruction of any specified classes of public records which by reason of their number, kind or routine nature do not in its opinion possess any enduring value for preservation as public archives.

**Inspection of public records and recordings**

**22.**—(1) No person who is not an officer of the National Archives shall inspect any public records or recordings, other than public archives made available to the public under subsection (2), without the written authority of the director of National Archives.

(2) Any person may, for the purpose of reference or research, inspect any public archives or recordings made available to the public subject to —

(a) any conditions or restrictions imposed by the office, officer or person from whom the public archives or recordings were acquired; and

(b) such conditions as the director of National Archives may consider necessary for their preservation.

(3) The National Archives shall be open for the inspection of public records during such hours as may be determined by the Board.

(4) For the purpose of this section, “recording” means any recording deposited with the Board under section 26(1).

### **Certified copy of public records**

**23.** Any copy of a public record which is certified by the director of National Archives as a true copy of the original document shall be admissible in a court of law.

### **Reproduction of public records and recordings**

**24.—**(1) No person shall publish or reproduce the whole or any part of the contents of any public records which have been transferred to the National Archives or of any recording which has been deposited under section 26(1) except with the written consent of the director of National Archives and in accordance with such conditions as may be imposed by the director or the person from whom they were acquired.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

(3) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

### **Prohibition of export, etc., of public records**

**25.—**(1) No person shall —

(a) without the written permission of the Board, take or send out of Singapore any public records;

(b) write on, mark, inscribe or otherwise deface any public records; or

(c) mutilate, excise or otherwise damage any public records.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.



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**Deposit of certain recordings**

**26.**—(1) The producer or distributor of a recording shall, within 6 months after a request in writing is made by the Board, provide the Board without charge with a copy of the recording in such form as may be specified in the request.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

(3) This section shall not apply to or in respect of —

- (a) a recording that has not been broadcast or made public in Singapore; or
- (b) any recording of a class or kind that is exempted from the application of this section by such regulations as the Minister may make for the purpose.

(4) In this section, “recording” means anything in which sounds are embodied or on which images are fixed or both, regardless of form.

**Establishment of oral history centre**

**27.** The Board may establish an oral history centre whose purposes shall be —

- (a) to collect, document and disseminate information on the history of Singapore through oral history methodology or other means;
- (b) to interview persons who have influenced or participated in the history of Singapore, to preserve these interviews and to produce transcripts of selected interviews;
- (c) to preserve and care for the recordings and transcripts of such interviews;
- (d) to allow access to the recordings and transcripts to persons seeking to inspect them in connection with study or research subject to any conditions or restrictions imposed by the interviewee or the Board; and

- (e) to disseminate information on the collection and work of the centre by any means, including publications, audio-visual educational packages, exhibitions, consultations, research and heritage promotional activities.

## PART V

### PROVISIONS RELATING TO STAFF

#### **Chief executive officer of Board**

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

(2) The chief executive officer shall —

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

(3) If the chief executive officer is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Board to act in the place of the chief executive officer during any such period of absence from duty.

#### **Appointment of staff**

**29.** The Board may —

- (a) appoint such number of officers and employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their service or exercise disciplinary control over them in accordance with their terms of service; and
- (b) engage and remunerate for their services such persons as the Board considers necessary for carrying out its functions and duties.

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**Public servants for purposes of Penal Code**

**30.** All members, officers and employees of the Board shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

**PART VI****FUNDS AND PROPERTY OF BOARD****Funds and property of Board**

**31.—(1)** The funds and property of the Board shall include —

- (a) all moneys and property transferred to the Board pursuant to section 37(1);
- (b) all gifts, donations and contributions to the Board;
- (c) all moneys received by the Board by way of grants;
- (d) all fees, commissions, rents, interests, dividends and other income accruing to the Board; and
- (e) all moneys borrowed by the Board under this Act.

(2) The Board may open and maintain an account or accounts with any bank or banks as the Board thinks fit.

(3) The Board may from time to time invest any of its funds in such manner or securities as trustees may by any written law be authorised to invest or, with the approval of the Minister, in any other securities or investments.

(4) Subject to the terms of any trust or endowment, the funds and property of the Board shall be applied solely for the purposes of or in connection with the performance of the functions, powers and duties of the Board under this Act.

**Power to borrow**

**32.** 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.

## **Grants**

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

## **Income of Board to be exempt from income tax, etc**

**34.** The Board shall be deemed to be —

- (a) an institution specified in the First Schedule to, and under section 13(1)(e) of, the Income Tax Act (Cap. 134); and
- (b) an institution of a public character approved by the Minister for Finance for the purposes of section 37(2)(c) of the Income Tax Act.

## **Establishment of National Heritage Endowment Fund**

**35.—**(1) There shall be established a fund to be known as the National Heritage Endowment Fund which shall vest in the Board and consist of —

- (a) all moneys received by the Board by gift, bequest or otherwise for the Fund;
- (b) such contributions to the Fund as the Minister may specify from moneys provided by Parliament; and
- (c) such other moneys as the Board may decide to transfer to the Fund.

(2) Any interest, dividends and other income derived from the Fund shall be credited to the general funds of the Board.

(3) For the purposes of this section, “general funds of the Board” means the funds of the Board other than the Fund.

(4) The Fund shall not, except with the prior written approval of the Minister, be applied, disposed of or alienated otherwise than as specified in section 31(3) and (4).

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**Financial provisions**

**36.** The financial provisions set out in the Second Schedule shall apply to the Board.

**PART VII****TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES****Transfer of assets and liabilities**

**37.—(1)** As from the appointed day, all movable property vested in the Government immediately before that day and used or managed by the National Museum, the National Archives and Records Centre or the Oral History Department, and all assets, rights, interests, liabilities and obligations of the Government relating to the National Museum, the National Archives and Records Centre or the Oral History Department shall be transferred to and shall vest in the Board without further assurance.

(2) As from the appointed day, the Board shall control and manage the National Museum which shall be known by such name as the Board thinks fit.

(3) If any question arises as to whether any particular property, or whether any particular asset, interest, right, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, liability or obligation was or was not so transferred or vested.

**Existing agreements, etc**

**38.** All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the appointed day, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Board under section 37(1) shall continue in force on and after that day and shall be enforceable by or against the Board as if, instead of the Government or a person acting on behalf of the Government, the Board had been named therein or had been a party thereto.

**Pending legal proceedings**

**39.** Any proceedings or cause of action pending or existing immediately before the appointed day by or against the Government or any person acting on behalf of the Government relating to the National Museum, the National Archives and Records Centre or the Oral History Department may be continued and shall be enforced by or against the Board.

**Transfer of employees**

**40.—(1)** As from the appointed day, such categories of persons employed immediately before that day in the National Museum, the National Archives and Records Centre and the Oral History Department as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

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

**Pension rights, etc., of Government employees to be preserved**

**41.—(1)** The terms and conditions of service of persons transferred to the service of the Board under section 40(1) shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by such persons while in the employment of the Government and any such term or condition relating to the length of service with the Board shall provide for the recognition of service under the Government by persons so transferred to be service by them under the Board.

(2) Nothing in the terms and conditions of service to be drawn up by the Board shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

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(3) In every case where a person has been transferred to the service of the Board under section 40(1), the Government shall be liable to pay the Board such portion of any gratuity, pension or allowance payable to such person on his retirement or otherwise leaving the service of the Board 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 both the Government and the Board.

(4) Where any person who is transferred to the service of the Board under section 40(1) is a contributor under the Widows' and Orphans' Pension Act (Cap. 350), 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 Board and, for the purposes of that Act, his service with the Board shall be deemed to be service with the Government.

#### **No benefits in respect of abolition or reorganisation of office**

**42.** Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Board under section 40(1) shall be entitled to claim any benefit under the Pensions Act (Cap. 225) on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Board.

#### **Continuation and completion of disciplinary proceedings**

**43.—(1)** Where on the appointed day, any disciplinary proceedings are pending against any person transferred to the service of the Board under section 40(1), any committee acting under due authority to hear or investigate the matter shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be, and the Government or committee shall complete the hearing or investigation in accordance with the authority vested in the Government or committee immediately before that day and make such order, ruling or direction as the Government or committee could have made under the authority vested in it immediately before that day.

(2) Any order, ruling or direction made or given by the Government or committee pursuant to this section shall be treated as an order, ruling or direction of the Board and have the same force or effect as if it had been made or given by the Board pursuant to the authority vested in the Board under this Act.

### **Misconduct or neglect of duty by employee before transfer**

**44.** The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under section 40(1) for any misconduct or neglect of duty committed prior to the appointed day which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Government as if this Act had not been enacted.

### **Interpretation of this Part**

**45.** In this Part, “National Archives and Records Centre” means the National Archives and Records Centre established under the repealed National Archives and Records Centre Act (Cap. 193) in force immediately before the appointed day.

## **PART VIII**

### **MISCELLANEOUS PROVISIONS**

#### **Power to enter upon lands to conduct archaeological investigation**

**46.—(1)** Subject to this section, any person specifically authorised in writing by the Board, after giving not less than 24 hours’ notice in writing to the occupier of the land of his intention to enter the land and on production of his authority, if so required by or on behalf of the occupier, may enter for the purposes of archaeological investigation or examination at all reasonable times upon any land which the Board has reason to believe contains any ancient monument and may make excavations in the land.

(2) No person shall, under any power conferred by subsection (1), enter any dwelling-house or any building, park, garden, pleasure



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ground or other land used for the amenity or convenience of a dwelling-house except with the consent of the occupier.

(3) No excavation shall be made under the power conferred by subsection (1) except with the consent of every person whose consent to the making of the excavation would, apart from that subsection, be required.

(4) Any power of entry under this section shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which his entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to subsection (4), where a person enters any land in exercise of any power of entry under this section for the purpose of carrying out any archaeological investigation or examination of the land, he may take and remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Where a person enters any land in exercise of any power of entry under this section for the purpose of carrying out any archaeological investigation or examination of the land, he may take temporary custody of any object of archaeological or historical interest discovered during the course of the excavations carried out for that purpose, and remove it from its site for the purpose of examining, testing, treating, recording or preserving it.

(7) The Board or other person by or on whose behalf the power of entry was exercised may not retain the object without the consent of the owner beyond such period as may be reasonably required for the purpose of examining and recording it and carrying out any test or treatment which appears to the Board or to that person to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(8) Nothing in this section shall affect any right of the Government in relation to treasure trove.

(9) Any person who wilfully obstructs or hinders any person in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

(10) For the purposes of this section —

“ancient monument” means any monument which, in the opinion of the Board, is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it;

“monument” means —

- (a) any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
- (b) any site comprising the remains of any such building, structure or work or of any cave or excavation; and
- (c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a),

and any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.

(11) For the purposes of this section, “archaeological investigation” means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and includes in the case of an archaeological investigation of any land —

- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land; and
- (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any

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excavations or inspections carried out for the purposes of any such investigation.

(12) For the purposes of this section, an archaeological examination of any land means any examination or inspection of the land (including any buildings or other structures thereon) for the purpose of obtaining and recording any information of archaeological or historical interest.

### **Board's symbol**

**47.—**(1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) A person who, without the permission of the Board, uses a symbol or representation identical with that of the Board or which so resembles the Board's symbol or representation 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 \$5,000 or to imprisonment for a term not exceeding one year or to both.

### **Immunity of Board and its employees, etc**

**48.** No suit or other legal proceedings shall lie against the Board, any member, officer or employee of the Board or other person acting under the direction of the Board for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

### **Regulations**

**49.—**(1) The Board may, with the approval of the Minister, make regulations for any matter which may be prescribed under this Act and generally for the better carrying out of the objects and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

- (a) provide for the use, custody, preservation, reproduction, removal, destruction and disposal of the objects, public records and other documents under this Act;
- (b) provide for regulating the conduct of persons on any land or building owned by, or under the control of, the Board;
- (c) provide for regulating the taking of oral history recordings and transcripts;
- (d) prescribe the forms, fees or registers for the purposes of this Act; and
- (e) provide for the exemption from the payment, in whole or in part, of any fee under this Act.

### **Repeal and transitional provisions**

**50.**—(1) The National Archives and Records Centre Act (Cap. 193) is repealed.

(2) Section 21 of the Science Centre Act (Cap. 286) is deleted.

(3) Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed National Archives and Records Centre Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under this Act.

(4) Any subsidiary legislation made under the repealed National Archives and Records Centre Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

## **FIRST SCHEDULE**

Section 5(2).

### **CONSTITUTION AND PROCEEDINGS OF BOARD**

#### **Appointment of Chairman, Deputy Chairman and other members**

1.—(1) The Chairman, the Deputy Chairman and other members shall be appointed by the Minister.

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**FIRST SCHEDULE — *continued***

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

(3) The Minister may appoint the chief executive officer to be a member.

**Tenure of office of members**

2. The Chairman, the Deputy Chairman and every other member shall, unless their appointment is revoked under paragraph 5 or they resign during their term of office under paragraph 6, hold office for such term as the Minister may determine.

**Temporary Chairman or Deputy Chairman**

3. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

**Temporary members**

4. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

**Revocation of appointment**

5. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member; and in exercising his power under this paragraph, the Minister shall not be required to assign any reason for such revocation.

**Resignation**

6. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

**Vacation of office of member**

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

- (a) becomes in any manner disqualified for membership of the Board; or
- (b) has been absent, without leave of the Board, from 3 consecutive meetings of the Board.

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FIRST SCHEDULE — *continued*

**Filling of vacancy in office of member**

8. If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the Minister for the unexpired period of the term of office of the member in whose place he is appointed.

**Disqualification from membership**

9. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

**Member's interest to be made known**

10.—(1) A member 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 the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

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

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

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

**Salaries, fees and allowances payable to members**

11. There shall be paid to the Chairman, the Deputy Chairman and other members out of the funds of the Board such salaries, fees and allowances as the Minister may, from time to time, determine.

**Meetings of Board**

12.—(1) The Board shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

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FIRST SCHEDULE — *continued*

(2) At every meeting of the Board, one-half the total number of members shall form 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; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

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

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at the meeting.

(6) The Board may act notwithstanding any vacancy in its membership.

(7) 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.

**Validity of acts of members**

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

SECOND SCHEDULE

Section 36.

FINANCIAL PROVISIONS

**Financial year**

1. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Board shall begin on the appointed day and shall end on 31st March 1994.

**Accounts to be kept**

2. 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.

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SECOND SCHEDULE — *continued*

**Financial statements**

3. The Board shall, as soon as practicable in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor appointed under paragraph 4(1).

**Appointment of auditor**

4.—(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 sub-paragraph (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

**Remuneration of auditor**

5. The remuneration of the auditor shall be paid out of the funds of the Board.

**Powers of auditor**

6. 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 Board and may make copies of, or extracts from, any such accounting and other records.

**Duties of auditor**

7.—(1) 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 receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters, arising from the audit as he considers necessary.

(2) The auditor shall send a report of his audit to the Minister through the Board.

(3) 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.



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SECOND SCHEDULE — *continued*

**Failure to furnish information to auditor**

8.—(1) The auditor or any person authorised by him 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.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under sub-paragraph (1) 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 \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

**Presentation of financial statements and auditor's report to Parliament**

9.—(1) As soon as the financial statements have been audited in accordance with the provisions of this Act, the Board shall send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of any report made by the auditor.

(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 report of the auditor to be presented to Parliament.

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