



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SCHOOL BOARDS (INCORPORATION) ACT

(CHAPTER 284A)

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School Boards (Incorporation) Act

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An Act to make provisions for the incorporation of governing boards for the purpose of conducting Government schools and aided schools and for matters connected therewith.

[1st January 1990]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the School Boards (Incorporation) Act.

Interpretation

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

“aided school” means a school which —

- (a) is established by any person other than the Government; and
- (b) is conducted by a committee of management which is in receipt of a grant-in-aid from the Government for the defraying of the expenses incurred for conducting the school;

“Director-General” means the Director-General of Education;

“governing board” means a governing board constituted by an order made by the Minister under section 3(1) for the purpose of conducting a school named in the order;

“governor” means a member of a governing board.

[8/97]

PART II

ESTABLISHMENT OF GOVERNING BOARDS FOR SCHOOLS

Establishment of governing boards for schools

- 3.—(1) The Minister may, from time to time, by order published in the *Gazette*, establish a governing board by such name as the Minister

may designate for the purpose of conducting a school named in the order and promulgate a constitution for that governing board.

(2) A governing board established pursuant to an order made under subsection (1) shall be a body corporate by the name specified in the order capable of performing such acts as bodies corporate may by law perform and of suing and being sued and having perpetual succession and a common seal with power to exercise and perform such functions and duties as are conferred or imposed on it by or under this Act and the order made under subsection (1).

(3) A governing board shall consist of such number of governors as may be prescribed in an order made under subsection (1).

(4) Without prejudice to the generality of subsection (1), an order made under that subsection shall make provisions —

- (a) to provide that the appointments of governors are to be made with the approval of the Minister;
- (b) as to the tenure of office and the qualifications of governors;
- (c) as to the suspension or removal from office of governors;
- (d) as to the circumstances in which persons are disqualified for holding office as governors;
- (e) for filling vacancies in the governing board;
- (f) as to the election or appointment of a chairman or vice-chairman (if any) of the governing board;
- (g) to provide that the principal of the school named in the order shall be appointed by the governing board with the approval of the Director-General;
- (h) conferring upon the governing board full discretion to act with respect to the following matters:
 - (i) the recruitment, promotion and dismissal of and the exercise of disciplinary control over teachers and other staff of the school;

- (ii) determining the policy or conditions for the admission of pupils to the school and the dismissal of pupils; and
 - (iii) determining the fees payable by the pupils of the school;
- (i) to allow the governing board to retain the fees collected from the pupils of the school for the purpose of defraying expenses incurred for conducting the school;
 - (j) as to the establishment, constitution, meetings and proceedings of committees;
 - (k) for the delegation of functions of the governing board in such circumstances as may be specified in the order to committees established by the governing board or to any governor; and
 - (l) as to the procedure (including any quorum) when business is transacted by the governing board.
- (5) Subject to the provisions of an order made under subsection (1), a governing board may regulate its own procedure.
- (6) The proceedings of a governing board shall not be invalidated by —
- (a) any vacancy among the governors; or
 - (b) any defect in the appointment of any governor.
- (7) The provision mentioned in subsection (4)(j) may provide for a committee to include persons who are not governors.

Variation of constitutions of governing boards

4. The constitution of a governing board contained in an order made under section 3(1) may be varied or revoked by the Minister, but before varying or revoking the constitution and making a new constitution for any governing board, the Minister shall consult the governing board concerned.

Powers of governing boards of schools

5.—(1) A governing board shall have power to conduct the school named in the order made under section 3(1) incorporating that governing board.

(2) Subject to the provisions of this Act and any order made under section 3(1), the governing board of the school shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the conduct of the school, including in particular power —

- (a) to assume the conduct of the school as from the date of incorporation specified in the order relating to the school and for that purpose to receive any property, rights and to assume any liability and obligation for which the governing board agrees to accept responsibility;
- (b) to acquire and dispose of land and other property;
- (c) to enter into contracts, including in particular contracts for the employment of teachers and other staff;
- (d) to borrow moneys for the purposes of meeting the expenses of conducting the school or any liability and obligation of the governing board;
- (e) to grant any mortgage, charge or other security in respect of any land;
- (f) to invest any sums not immediately required for the purposes of meeting the expenses of conducting the school or any liability of the governing board; and
- (g) to accept gifts of money, land or other property and apply it, or hold or administer it on trust, for any such purposes.

(3) Without prejudice to subsection (2), but subject to the provisions of an order made under section 3(1) for the conduct of the school, the governing board shall also have power to provide education at the school.

Common seal and execution of documents

6.—(1) A governing board shall provide for the safe custody of its common seal which shall only be affixed to an instrument or document in the presence of such 2 persons, being governors, as the governing board determines, or in the absence of any such determination, in the presence of 2 governors, who shall sign the instrument to which the common seal is affixed.

(2) Any document purported to be an instrument made or issued by or on behalf of a governing board and to be duly executed under the seal of the governing board, or to be signed or executed by a person authorised by the governing board to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

Establishment of governing boards for aided schools

7. The Minister shall not establish a governing board for the purpose of conducting an aided school unless the person or body of persons which established the aided school agrees to the establishment of a governing board under section 3(1) for the purpose of conducting that school.

Protection of governors from personal liability

8. Except as provided in this Act, no governor shall, by virtue merely of his holding such office —

- (a) be liable to contribute towards the payment of the debts and liabilities incurred in the conduct of a school or the costs, charges and expenses of a winding up of the governing board of which he is a member; or
- (b) be conferred with any right, title or interest, whether legal or equitable, in the property of the governing board,

and no suit or other legal proceedings shall lie personally against such governor for anything which is in good faith done or intended to be done in the conduct of a school or in the execution or purported execution of this Act.

PART III

DISCONTINUANCE OF SCHOOLS AND WINDING UP OF
GOVERNING BOARDS

Discontinuance of schools

9.—(1) The governing board of a school shall not discontinue the school except in pursuance of proposals approved by the Director-General under this section.

(2) Where the governing board of a school decides by a resolution passed at a meeting of the governing board to discontinue the school, the governing board shall, as soon as practicable after the passing of the resolution, submit to the Director-General its proposals for that purpose.

(3) The Director-General may reject any proposals under this section or approve them with or without modifications.

Minister may appoint Director-General to take over conduct of schools

10.—(1) Where the Minister is satisfied that the governing board of a school has failed to conduct the school efficiently or that the education of the pupils of the school is not being promoted in a proper manner, he may appoint the Director-General to exercise and perform such powers, duties and functions of the governing board for such period as he may specify.

(2) The Minister shall not make an order under subsection (1) unless he has given not less than 90 days' notice in writing to the chairman of the governing board of his intention to appoint the Director-General to exercise and perform all or such of the powers, duties and functions of the governing board and the chairman may make representations to the Minister within 60 days of the service of the notice.

(3) Where the Minister has made an order under subsection (1), no governor, while his appointment remains valid, shall exercise or perform any power, authority, duty or function which the Director-General is authorised to exercise or perform by that order and any such power, function or duty may be exercised or performed

by the Director-General in the name and on behalf of the governing board.

(4) The costs and expenses incurred by the Director-General pursuant to an appointment under this section shall be paid out of the funds of the governing board.

Winding up of governing boards

11.—(1) Where —

- (a) any proposals by a governing board of a school have been approved under section 9;
- (b) the registration of the school concerned under the Education Act (Cap. 87) is cancelled; or
- (c) the conduct of a school has been taken over by the Director-General under section 10 for a period exceeding 12 months,

the Minister may, by order published in the *Gazette*, make provisions for the winding up of the governing board of the school and the disposal of the property of the governing board.

(2) An order made under subsection (1) may —

- (a) set out proposals for the winding up of a governing board and, in particular, for —
 - (i) securing that all property belonging to the governing board or held by any trustees on trust for the purposes of the school is brought into the custody or control of that governing board or those trustees, as the case may be;
 - (ii) discharging any liabilities of the governing board;
 - (iii) the preparation and audit of the final accounts of the governing board; and
 - (iv) the sale and disposition of any property of the governing board;

- (b) provide for the appointment and powers of any person to carry out the winding up of the affairs of the governing board;
- (c) require the governing board to give to persons employed by it notice terminating their contracts of employment as from a date specified in the order;
- (d) appoint a date on which the governing board is to be dissolved; and
- (e) make such other incidental, consequential or supplementary provisions relating to the dissolution of the governing board as may be necessary or expedient.

PART IV

MISCELLANEOUS

Government grants to governing boards

12. The Minister may from time to time make grants out of moneys provided by Parliament to the governing board of a school for the purpose of defraying the expenses incurred for conducting the school.

Registration of schools

13. Every school which is conducted by a governing board established under this Act shall be deemed to be registered under the provisions of the Education Act (Cap. 87) from the date of incorporation of the governing board.

Registration of managers of schools

14. For the purposes of the Education Act (Cap. 87), every governor shall be deemed to be a registered manager of a school as from the date of his appointment as a governor.

Operation of this Act not to affect Education Act

15. Except as otherwise expressly provided in this Act, nothing in this Act shall affect the operation of the Education Act (Cap. 87) or any regulations made thereunder.

Transfer of property to governing boards

16. Where a school conducted by a governing board was conducted by the Government immediately before the incorporation of the governing board, the Director-General may transfer to the governing board any property which immediately before the date of incorporation was property used or held by the Director-General for the purposes of the school.