



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TEMASEK POLYTECHNIC ACT 1990

2020 REVISED EDITION

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Temasek Polytechnic Act 1990

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An Act for the establishment and incorporation of a polytechnic to be known as Temasek Polytechnic and for matters connected therewith.

[6 April 1990]

Short title

1. This Act is the Temasek Polytechnic Act 1990.

Interpretation

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

“Board” means the Board of Governors of the Polytechnic established pursuant to this Act;

“officers” means the officers of the Polytechnic;

“Polytechnic” means the Temasek Polytechnic established and incorporated under this Act;

“Polytechnic Constitution” means the Constitution of the Polytechnic set out in the Schedule;

“Principal” means the Principal of the Polytechnic, and includes any individual acting in that capacity;

“registered student” means a student registered for a course or subject in the Polytechnic leading to the award of a diploma or certificate of the Polytechnic;

“Registrar” means the Registrar of the Polytechnic;

“regulations” means the regulations made under the Polytechnic Constitution;

“Senate” means the Senate of the Polytechnic established pursuant to this Act.

[5/2018]

Establishment and incorporation of Temasek Polytechnic

3.—(1) A Polytechnic called the Temasek Polytechnic is established, consisting of a Board of Governors, a Senate, the members of the academic staff and the officers of the Polytechnic.

(2) The Polytechnic is a body corporate with perpetual succession and a common seal and is by that name capable in law 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 other acts or things that bodies corporate may lawfully do or suffer.

Objects and powers of Polytechnic

- 4.—(1) The objects of the Polytechnic are —
- (a) to provide instruction and training in technology, science, commerce, arts and other subjects of learning;
 - (b) to aid by research and other means the advancement of knowledge and its practical application; and
 - (c) to promote the exchange of knowledge and skills with business and industry.
- (2) The Polytechnic may —
- (a) provide any facilities for its students that it considers desirable;
 - (b) institute and make appointments to lectureships and other posts and offices and employ any other staff that the Polytechnic considers necessary;
 - (c) fix, demand and receive fees and other charges;
 - (d) promote the formation of or acquire any interest in any undertaking; and
 - (e) do all things that may be necessary, incidental or conducive to the attainment of all or any of its objects.

Board of Governors and Senate, their constitutions, powers and duties

5.—(1) The respective constitutions, functions, powers and duties of the Board and the Senate are prescribed by this Act and the Polytechnic Constitution.

(2) The Board is, subject to the provisions of this Act and the Polytechnic Constitution, the supreme governing body of the Polytechnic and, subject to the provisions of this Act and the Polytechnic Constitution, it must administer the property and manage the affairs of the Polytechnic.

(3) Subject to the provisions of this Act, the Public Sector (Governance) Act 2018 and the Polytechnic Constitution and to the

financial control of the Board, the Senate has the regulation of all matters relating to education in the Polytechnic.

[5/2018]

(4) No act or resolution of the Board or the Senate is invalid by reason only of any vacancy in, or any want to qualification by or invalidity in the election or appointment of any member of, the Board or the Senate.

Schools of Polytechnic

6.—(1) There are to be Schools of Science and Technology, Business and Design and any other Schools constituted by the Board on the recommendation of the Senate.

(2) There is to be a head of each School with the powers conferred by the Board.

(3) The Board may, on the recommendation of the Senate, form, dissolve or reform any School and any department, centre, unit and other subdivisions of any School as it may consider desirable.

Committees generally

7.—(1) The Board, the Senate and the Principal respectively may establish any committees that they think fit.

(2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Board or the Senate or officers of the Polytechnic, as the case may be.

(3) Subject to the provisions of this Act, the Public Sector (Governance) Act 2018 and the Polytechnic Constitution, the Board, the Senate and the Principal respectively may, with or without restrictions or conditions as they think fit, delegate any of their powers and duties to any committee.

[5/2018]

Officers and academic staff, their appointments, powers, duties and emoluments

8.—(1) The officers of the Polytechnic are the Principal, one or more Deputy Principals, the heads of the Schools, the Registrar and

any other persons who are appointed by the Board as officers of the Polytechnic.

(2) The Principal, the Deputy Principals and the Registrar and other officers must be appointed by the Board in accordance with the Polytechnic Constitution.

(3) The academic staff of the Polytechnic are the heads of the Schools, lecturers and any other persons designated as members of the academic staff by the Polytechnic Constitution and they are to be appointed by the Board on the recommendation of the Principal.

(4) The powers and duties of the officers and members of the academic staff, the periods and conditions for and upon which they hold office and their emoluments are as prescribed by this Act, the Polytechnic Constitution and the terms of their respective appointments; but the Board may assign to any officer, and in the case of any member of the academic staff on the recommendation of the Principal, such further powers and duties as the Board may think fit.

8A. [*Repealed by Act 5 of 2018*]

Polytechnic Constitution

9.—(1) Subject to the provisions of this Act, the Polytechnic is governed in accordance with the provisions of the Polytechnic Constitution set out in the Schedule.

(2) The Minister may, after consulting the Board, make any addition or amendment to or re-enact with amendments the Polytechnic Constitution.

(3) Every addition, amendment and re-enactment of the Polytechnic Constitution made in accordance with subsection (2) must be published in the *Gazette* and may be published in such other manner as the Board may direct.

(4) The Interpretation Act 1965 applies for the purposes of the interpretation of the Polytechnic Constitution as it applies for the purposes of the interpretation of an Act, and all expressions defined in this Act bear the same meaning when used in the Polytechnic Constitution, unless other provision is made in the Polytechnic Constitution, or a contrary intention otherwise appears.

(5) Regulations made under the Polytechnic Constitution need not be published in the *Gazette* and are not subsidiary legislation.

Examinations

10. All examinations held by the Polytechnic must be conducted in the manner prescribed by the Polytechnic Constitution and the regulations.

Power to confer diplomas, etc.

11. The Polytechnic has power —

- (a) to award diplomas and certificates and any other academic distinctions specified in the regulations; and
- (b) to provide such lectures and instruction for persons who are not registered students as the Polytechnic may determine, and to grant certificates to those persons.

Form of contracts

12.—(1) Contracts on behalf of the Polytechnic may be made as follows:

- (a) a contract which, if made between private persons, would be required by law to be in writing, and if made according to law to be under seal, may be made on behalf of the Polytechnic in writing under the common seal of the Polytechnic;
- (b) a contract which, if made between private persons, would be required by law to be in writing, and signed by the parties to be charged with the contract, may be made on behalf of the Polytechnic in writing signed by any person acting under the express or implied authority of the Board;

(c) a contract which, if made between private persons would be valid by law, although made by parol only and not reduced into writing, may be made by parol on behalf of the Polytechnic by any person acting under the express or implied authority of the Board.

(2) A contract made according to this section is effectual in law and binds the Polytechnic and its successors and all other parties to the contract.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorised by this section to be made.

Common seal

13.—(1) The common seal of the Polytechnic may be broken, changed, altered and made anew as the Board thinks fit and must be kept in such custody as the Board directs.

(2) The common seal of the Polytechnic must not be used except by resolution of the Board or in any other manner authorised by the Polytechnic Constitution.

(3) All courts and persons acting judicially are to take judicial notice of the common seal of the Polytechnic affixed to any document and, until the contrary is proved, are to assume that it was duly affixed.

Grants-in-aid

14.—(1) The Minister must pay to the Polytechnic such moneys as may be provided by Parliament as grants-in-aid to the Polytechnic.

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

Issue of shares, etc.

15. As a consequence of the vesting of any property, rights or liabilities of the Government in the Polytechnic under this Act, or of any capital injection or other investment by the Government in the Polytechnic in accordance with any written law, the Polytechnic must issue such shares or other securities to the Minister for Finance as that Minister may direct.

[14A
[5/2002]

Application of Societies Act 1966 to Students' Union

16.—(1) Despite anything to the contrary in the Societies Act 1966, the provisions of that Act apply to the Temasek Polytechnic Students' Union and its constituent bodies constituted by the regulations.

(2) The Minister charged with the responsibility for societies may, by order in the *Gazette*, exempt the Temasek Polytechnic Students' Union and any of its constituent bodies from all or any of the provisions of the Societies Act 1966 subject to any conditions specified in the order.

[20

THE SCHEDULE

Sections 2 and 9(1)

CONSTITUTION OF TEMASEK POLYTECHNIC

PART 1

PRELIMINARY

Interpretation

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

“Act” means the Temasek Polytechnic Act 1990;

“Board” means the Board of Governors of the Polytechnic;

“Chairperson” means the Chairperson of the Board of Governors;

“Constitution” means the Constitution of the Temasek Polytechnic;

“lecturer” means a member of the academic staff of the Polytechnic;

THE SCHEDULE — *continued*

- “Polytechnic” means the Temasek Polytechnic;
- “Principal” means the Principal of the Polytechnic;
- “registered student” means a student who is registered for a course or subject in the Polytechnic leading to the award of a diploma or certificate of the Polytechnic;
- “Registrar” means the Registrar of the Polytechnic;
- “regulations” means regulations made under this Constitution;
- “Schools” means the Schools of Science and Technology, Business and Design and such other schools as may be constituted by the Board on the recommendation of the Senate;
- “Senate” means the Senate of the Polytechnic.

(2) In this Constitution —

- (a) a reference to a specified section is a reference to that section of this Constitution;
- (b) a reference to a specified subsection is a reference to that subsection of the section in which the reference occurs; and
- (c) a reference to a specified paragraph is a reference to that paragraph of the subsection in which the reference occurs.

PART 2

OFFICERS OF POLYTECHNIC

Appointment, powers and duties of Principal and Deputy Principals

2.—(1) The Principal is appointed by the Board on such terms and conditions as the Board may determine.

(2) The appointment, removal, discipline and promotion of the Principal must be in accordance with the Public Sector (Governance) Act 2018.

(3) The Principal is the chief executive and academic officer of the Polytechnic and is responsible to the Board for —

- (a) the proper administration and the academic management of the Polytechnic in accordance with the policies determined by the Board;
- (b) the proper enforcement of regulations made under the Constitution; and
- (c) the welfare and discipline of the staff and students of the Polytechnic.

THE SCHEDULE — *continued*

(4) For the purpose of giving effect to subsection (3), the Principal has such powers as are necessary or proper for that purpose.

(5) The Principal is entitled to be present and speak at any meeting of any committee of the Polytechnic, but is not entitled to vote at the meeting unless the Principal is a member of the committee.

(6) A Deputy Principal is appointed by the Board on such terms and conditions as may be determined by the Board.

(7) A Deputy Principal must perform such duties as may be assigned to him or her by the Principal.

Registrar

3.—(1) The Registrar is appointed by the Board on such terms and conditions as the Board may determine.

(2) The Registrar must —

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

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

(4) The Registrar is not, unless the Registrar is a member of the Board appointed to serve in that capacity, entitled to vote on any question before the Board.

Other officers and employees

4. The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

PART 3

BOARD OF GOVERNORS AND SENATE

Board of Governors

5.—(1) The Board of Governors consists of the following members:

- (a) a Chairperson;

THE SCHEDULE — *continued*

- (b) a Deputy Chairperson;
- (c) the Principal;
- (d) such other persons, not being less than 9 or more than 15.

(2) Every member of the Board, except the Principal, is appointed by the Minister and, unless the Minister otherwise directs, holds office for a period of 3 years from the date of the appointment and is eligible for re-appointment.

Powers of Board

6.—(1) The Board must administer the affairs of the Polytechnic other than those vested by the Act or this Constitution in some other authority of the Polytechnic or in an officer.

(2) Without limiting subsection (1), the Board, subject to the provisions of the Act and this Constitution, has power —

- (a) to administer and manage the finances, accounts, investments, property, business and all affairs of the Polytechnic, and for that purpose to appoint bankers, counsel, solicitors and such officers or agents as it may be expedient to appoint;
- (b) to invest the moneys of the Polytechnic in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965;
- (c) to purchase, grant, sell, convey, assign, surrender and yield up, exchange, partition, mortgage, demise, re-assign, transfer and accept leases of real and personal property on behalf of the Polytechnic;
- (d) to provide the buildings, premises, furniture, apparatus and other means needed for the Polytechnic;
- (e) to borrow money on behalf of the Polytechnic and for that purpose to mortgage all or any part of the property of the Polytechnic, whether real or personal, or give such other security, whether upon such real or personal property or otherwise, as it thinks fit;
- (f) to enter into, vary, carry out and cancel contracts on behalf of the Polytechnic;
- (g) to publish books and other matters on behalf of the Polytechnic;
- (h) in consultation with the Senate to review the instruction and teaching at the Polytechnic;
- (i) to cooperate with other polytechnics and authorities for the regulation and conduct of examinations, for the examination and inspection of

THE SCHEDULE — *continued*

schools and other academic institutions, for the extension of Polytechnic teaching and for other purposes;

- (j) to propose to the Minister additions to, or the amendment or repeal of any of the provisions of, this Constitution;
 - (k) to prescribe fees;
 - (l) to appoint officers, lecturers and other employees and to determine their duties and to fix their remuneration and the terms and conditions of their appointments;
 - (m) to appoint committees within or outside Singapore to select candidates for any office to which the Board may appoint;
 - (n) to delegate any of its powers to any members of the Board or to any committee of the Board or to any officer, lecturer or other employee of the Polytechnic; and
 - (o) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Board by the Act or this Constitution.
- (3) The Board may by regulations provide for any of the following matters or purposes:
- (a) the administration of the affairs of the Polytechnic;
 - (b) the appointment, promotion, conduct, disciplinary control, dismissal and termination of service of the officers, lecturers and other employees of the Polytechnic;
 - (c) the welfare, discipline, suspension and expulsion of students;
 - (d) the form of contracts;
 - (e) the publications of the Polytechnic;
 - (f) fees;
 - (g) the prescribing of anything which is by the Act or this Constitution to be prescribed by regulations made by the Board;
 - (h) generally all matters which by the Act or this Constitution the Board is empowered to regulate.
- (4) All such regulations come into operation on the day on which they are made unless otherwise provided by the Board.

THE SCHEDULE — *continued***Vacation of office of member of Board**

7.—(1) The Minister may revoke the appointment of a member of the Board, except that of the Principal, if the member becomes in the opinion of the Minister unfit to continue in office or incapable of performing the member's duties.

(2) A member of the Board, except the Principal, may resign from his or her appointment by giving written notice to the Minister.

Filling of vacancy in office of member of Board

8. If the office of a member of the Board, other than that of the Principal, is vacant, the Minister may appoint any person to fill the vacancy and the person must be appointed for the remainder of the term of the person's predecessor.

Meetings of Board

9.—(1) The Chairperson must summon meetings of the Board as often as may be required.

(2) The quorum at every meeting of the Board is 6 members.

(3) Every decision at a meeting of the Board is to be adopted by a simple majority of the votes of the members present and voting except that, in the case of an equality of votes, the Chairperson or, in his or her absence, the Deputy Chairperson of the Board has a casting vote.

(4) The Chairperson or, in his or her absence, the Deputy Chairperson presides at a meeting of the Board.

(5) In the absence of the Chairperson and the Deputy Chairperson at a meeting of the Board, such member as the members present may elect presides at the meeting.

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

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

(8) Subject to the provisions of this Constitution and the Public Sector (Governance) Act 2018, the Board may make standing orders to regulate its own procedure.

Senate

10.—(1) The Senate consists of —

(a) the Principal, who is the chairperson;

THE SCHEDULE — *continued*

- (b) the heads of the Schools;
 - (c) such number of officers of the Polytechnic to be appointed by the Board; and
 - (d) such number of lecturers as may be determined by the Board to be elected by all the lecturers.
- (2) The Senate must meet at least twice in each semester of every academic year and such other times as may be necessary.
- (3) The quorum of the Senate is the smallest number which is not less than one-quarter of the number of members for the time being.
- (4) The chairperson of the Senate may require any officer, lecturer or other employee of the Polytechnic to attend a meeting of the Senate.
- (5) The Registrar is the secretary to the Senate and is not, unless the Registrar is appointed as a member of the Senate, entitled to vote on any question before the Senate.

Powers of Senate

11.—(1) Subject to the provisions of the Act and this Constitution and to the availability of the funds provided by the Board, the Senate has power —

- (a) to provide courses of study for the diplomas, certificates and other awards by the Polytechnic and any other courses of study that may be thought desirable, to direct and regulate the instruction and education in the Polytechnic, to stimulate the advancement of knowledge by research and publications and to direct the manner in which examinations are conducted;
- (b) to determine what examinations and courses of study in other polytechnics or places of learning are deemed equivalent to examinations and courses of study in the Polytechnic;
- (c) to advise the Board on the provision of facilities for educational and other academic matters;
- (d) to decide in accordance with this Constitution and regulations which persons have qualified for the award of diplomas, certificates and other marks of distinction;
- (e) to organise the Schools;
- (f) to fix the time, mode, and conditions of competition for, and to award, fellowships, scholarships, and other educational endowments and prizes in accordance with the terms thereof;

THE SCHEDULE — *continued*

- (g) to require any student on academic grounds to terminate his or her studies at the Polytechnic;
- (h) to provide lectures and courses of study for persons who are not registered students;
- (i) to advise the Board on any matter which may be referred to the Senate by the Board;
- (j) to delegate any of its powers to any member of the Senate or any committee of the Senate or to any officer or teacher of the Polytechnic; and
- (k) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Senate by the Act and this Constitution.

Regulations made by Senate

12.—(1) The Senate may by regulations provide for any of the following matters or purposes:

- (a) the admission and registration of students;
- (b) the conditions for the award of degrees, diplomas, certificates and other marks of distinction;
- (c) courses of study and examinations;
- (d) academic dress;
- (e) the award of scholarships and other educational endowments and prizes;
- (f) the conduct of examinations;
- (g) the prescribing of anything which is by the Act or this Constitution to be prescribed by regulations made by the Senate;
- (h) the prescribing of conditions under which persons may be exempted from the provisions of any regulation made by the Senate;
- (i) generally all matters which by the Act or this Constitution the Senate is empowered to regulate.

(2) All such regulations must be reported to the Board and come into operation not earlier than one semester after the day on which they are made, unless otherwise approved by the Board.

THE SCHEDULE — *continued*

PART 4

EXAMINATIONS

Examinations

13.—(1) Examinations for diplomas, certificates and other awards must be conducted in accordance with regulations made by the Senate.

(2) The Registrar must discharge such duties in respect of examinations as may be delegated to him or her by the Senate and the Registrar may perform these duties by deputy.

PART 5

FINANCIAL PROVISIONS

Financial year

14. The financial year of the Polytechnic begins on 1 April each year and ends on 31 March of the succeeding year.

Standing Finance Committee

15. The Board must appoint a Standing Finance Committee for regulating and controlling the finances of the Polytechnic.

Preparation of estimates

16. It is the duty of such officers of the Polytechnic as may be directed by the Board to prepare for the consideration of the Board the estimates of income and expenditure of the Polytechnic for each financial year.

Power of Board to accept gifts

17.—(1) The Board may on behalf of the Polytechnic accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of finances of the Polytechnic on any conditions that it may determine.

(2) Records must be kept of all donations to the Polytechnic 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

18. All property, money or funds donated for any specific purpose must be applied and administered in accordance with the purpose for which they may have been donated and must be separately accounted for.

THE SCHEDULE — *continued*

PART 6

STUDENT BODIES

Temasek Polytechnic Students' Union

19.—(1) There is a students' association called the Temasek Polytechnic Students' Union which is constituted by regulations made by the Board and consists of such constituent bodies as may be prescribed by those regulations.

(2) The constitution, membership, functions and other matters relating to the Temasek Polytechnic Students' Union and each of its constituent bodies must be so prescribed.

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

[45/2004; 5/2018]

LEGISLATIVE HISTORY

TEMASEK POLYTECHNIC ACT 1990

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 5 of 1990 — Temasek Polytechnic Act 1990

Bill	:	3/1990
First Reading	:	22 February 1990
Second and Third Readings	:	28 March 1990
Commencement	:	6 April 1990

2. 1991 Revised Edition — Temasek Polytechnic Act (Chapter 323A)

Operation	:	1 March 1991
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3. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002 (Amendments made by section 3 read with item (46) of the Schedule to the above Act)

Bill	:	7/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	15 July 2002 (section 3 read with item (46) of the Schedule)

4. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (54) of the Schedule to the above Act)

Bill	:	43/2004
First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (54) of the Schedule)

5. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

(Amendments made by section 44 of the above Act)

Bill	:	15/2016
First Reading	:	14 April 2016
Second and Third Readings	:	9 May 2016

Commencement : 10 June 2016 (section 44)

6. Act 5 of 2018 — Public Sector (Governance) Act 2018

(Amendments made by section 108 of the above Act)

Bill : 45/2017

First Reading : 6 November 2017

Second Reading : 8 January 2018

Notice of Amendments : 8 January 2018

Third Reading : 8 January 2018

Commencement : 1 April 2018 (section 108)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
TEMASEK POLYTECHNIC ACT 1990

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	1991 Ed.
15	14A
—	15 [<i>Repealed by Act 5 of 2018</i>]
—	16 [<i>Repealed by Act 5 of 2018</i>]
—	17 [<i>Repealed by Act 5 of 2018</i>]
—	18 [<i>Repealed by Act 5 of 2018</i>]
—	19 [<i>Repealed by Act 5 of 2018</i>]
16	20