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The following Act was passed by Parliament on 8th July 2002 and assented to by the President on 17th July 2002:—

REPUBLIC POLYTECHNIC ACT 2002

(No. 14 of 2002)

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REPUBLIC OF SINGAPORE

No. 14 of 2002.

I assent.

ⓁS

S R NATHAN,
President.
17th July 2002.

An Act to establish the Republic Polytechnic, to provide for its functions and powers, and for matters connected therewith.

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

Short title and commencement

1. This Act may be cited as the Republic Polytechnic Act 2002 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 —

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

“Chairman” means the Chairman of the Board;

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

“Deputy Principal” means a Deputy Principal of the Polytechnic appointed under section 9;

“Polytechnic” means the Republic Polytechnic established under section 3;

“Principal” means the Principal of the Polytechnic appointed under section 9;

“Senate” means the Senate of the Polytechnic.

Establishment and incorporation of Republic Polytechnic

3. There is hereby established a Polytechnic to be known as the Republic Polytechnic which shall be a body corporate with perpetual succession and a common seal and shall by that name be capable of —

(a) suing and being sued;

(b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and

(c) doing and suffering all such other acts or things as bodies corporate may lawfully do or suffer.

Common seal

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

(2) All deeds, documents and other instruments requiring the seal of the Polytechnic shall be sealed with the common seal of the Polytechnic and the instruments to which the common seal is affixed shall be signed by the Principal or a Deputy Principal and by another member of the Board.

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

Objects and powers of Polytechnic

5.—(1) The objects of the Polytechnic are —

- (a) to provide instruction and training in engineering, technology, applied sciences 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 such facilities for its students as it considers desirable;
- (b) institute academic and other posts and offices and make appointments thereto and employ such other staff as the Polytechnic considers necessary;
- (c) fix, demand and receive fees and other charges;
- (d) provide technical and consultancy services to business and industry as it considers desirable;
- (e) form or participate in the formation of companies or other undertakings having such objects as may be approved by the Board;
- (f) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (g) give donations and contributions to any person or organisation; and

- (h) do all such things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Board of Governors and Senate of Polytechnic

6.—(1) The constitutions, functions, powers and duties of the Board and the Senate shall be prescribed by this Act and the Constitution.

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

(3) Subject to the provisions of this Act and the Constitution and to the financial control of the Board, the Senate shall have the regulation of all matters relating to education in the Polytechnic.

(4) No act or resolution of the Board or the Senate shall be invalid by reason only of any vacancy in, or any defect in the qualification or appointment of any member of, any such body.

Schools of Polytechnic

7.—(1) There shall be such Schools as may be constituted by the Board on the recommendation of the Senate.

(2) There shall be a head of each School with such powers as may be conferred by the Board.

(3) The Board may, on the recommendation of the Senate, form, dissolve or reform such schools and any department, centre, unit and other sub-divisions of any school as it may from time to time consider desirable.

Committees and delegation of powers

8.—(1) The Board, the Senate and the Principal may establish such committees as 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 and the Constitution, the Board, the Senate and the Principal may, with or without restrictions

or conditions as they think fit, delegate any of their powers and duties to any committee.

Officers

9.—(1) The Principal, every Deputy Principal and other officers of the Polytechnic shall be appointed by the Board in accordance with the Constitution.

(2) The academic staff of the Polytechnic shall be the heads of the Schools and such other persons as may be designated as members of the academic staff by the Constitution and shall be appointed by the Board on the recommendation of the Principal.

(3) 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 shall be such as are prescribed by this Act, the Constitution and the terms of their respective appointments.

(4) In addition to such powers and duties that are assigned under subsection (3), 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.

Constitution of Polytechnic

10.—(1) Subject to the provisions of this Act, the Polytechnic shall be governed by the provisions of the Constitution set out in the Schedule.

(2) The Minister may, after consulting the Board, amend the Constitution by order published in the *Gazette*.

(3) Regulations made under the Constitution shall not be deemed to be subsidiary legislation.

Examinations

11. All examinations held by the Polytechnic shall be conducted in such manner as may be prescribed by the Constitution and any regulations made thereunder.

Power to confer diplomas, etc.

12. The Polytechnic shall have power —

- (a) to award diplomas and certificates and such other academic distinctions as may be specified in regulations made under the Constitution; and
- (b) to provide access to educational activities and programmes for persons who are not registered students as the Polytechnic may determine, and to award diplomas, certificates and such other academic distinctions to such persons.

Grants

13.—(1) The Minister shall pay to the Polytechnic such moneys as may be provided by Parliament from time to time as grants 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.

14. 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 shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

Power to borrow

15. For the attainment of all or any of its objects under this Act, the Polytechnic may, from time to time, raise loans from the Government or, with the approval of the Minister for Finance, raise loans from banks or other financial institutions (whether in Singapore or elsewhere) by —

- (a) mortgage, overdraft or otherwise;

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- (b) charge, whether legal or equitable, on any property vested in the Polytechnic or on any other revenue receivable by the Polytechnic under this Act or any other written law; or
 - (c) the creation and issue of debentures or bonds.

Accounts and financial statements

16.—(1) The Board shall cause proper accounting and other records to be kept of the financial transactions of the Polytechnic 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 Polytechnic and over the expenditure incurred by the Polytechnic.

(2) The Board shall, as soon as practicable after the close of each financial year, cause financial statements in respect of that year to be prepared and submitted to the auditor of the Polytechnic.

Audit of accounts

17.—(1) The accounts of the Polytechnic 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 subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

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

(4) The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Polytechnic and may make copies of, or extracts from, any such accounting and other records.

(5) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Polytechnic;

- (b) whether proper accounting and other records have been kept, including records of all assets of the Polytechnic whether purchased, donated or otherwise;
- (c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Polytechnic during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(6) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Board and shall also submit such periodical and special reports to the Minister and to the Board as may appear to him to be necessary or as the Minister or the Board may require.

Failure to furnish information to auditor

18.—(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 or the person authorised by him 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 subsection (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.

Presentation of financial statements and auditor's report to Parliament

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

(2) Where the Auditor-General is not the auditor of the Polytechnic, 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 auditor's report to be presented to Parliament.

Annual report

20.—(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 Polytechnic during the preceding financial year and containing such information relating to the proceedings and policy of the Polytechnic as the Minister may, from time to time, direct.

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

Application of Societies Act to Students' Union

21.—(1) Notwithstanding anything to the contrary in the Societies Act (Cap. 311), the provisions of that Act shall apply to the Republic Polytechnic Students' Union and its constituent bodies constituted by the regulations.

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

THE SCHEDULE

Sections 2 and 10

CONSTITUTION OF THE REPUBLIC POLYTECHNIC

PART I

PRELIMINARY

Interpretation

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

“Act” means the Republic Polytechnic Act;

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

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

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

“Constitution” means the Constitution of the Polytechnic;

“Deputy Principal” means a Deputy Principal of the Polytechnic;

“Polytechnic” means the Republic Polytechnic;

“Principal” means the Principal of the Polytechnic;

“registered student” means a student who is registered for a course or subject at the Polytechnic, leading to the award of a diploma, certificate or other academic distinction of the Polytechnic;

“regulations” means regulations made under this Constitution;

“School” means such Schools of the Polytechnic 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.

THE SCHEDULE — *continued*

PART II

OFFICERS OF POLYTECHNIC

Appointment, powers and duties of Principal and Deputy Principal

2.—(1) There shall be a Principal who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Principal shall be the chief executive and academic officer of the Polytechnic and shall be responsible to the Board —

(a) for the proper administration and the academic management of the Polytechnic in accordance with the policies determined by the Board;

(b) for the proper enforcement of regulations made under this Constitution; and

(c) for the welfare and discipline of the staff and students of the Polytechnic.

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

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

(5) There shall be one or more Deputy Principals who shall be appointed by the Board on such terms and conditions as may be determined by the Board.

(6) A Deputy Principal shall perform such duties as may be assigned to him by the Principal (or by the Board if the Principal is unable to so assign).

Secretary

3.—(1) There shall be a Secretary of the Board who shall be an officer of the Polytechnic and shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Secretary shall —

(a) attend all meetings of the Board unless excused by the Chairman;

(b) maintain proper records of the meetings; and

(c) carry out such other duties as may be assigned to him by the Board.

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

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

THE SCHEDULE — *continued*

Other officers

4. The Board may appoint such other officers as it may think necessary.

PART III

BOARD OF GOVERNORS AND SENATE

Board of Governors

5.—(1) There shall be a Board of Governors which shall consist of the following members:

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Principal; and
- (d) such other persons, not being less than 9 or more than 15, as may be determined by the Minister.

(2) Every member of the Board, except the Principal, shall be appointed by the Minister and shall, unless the Minister otherwise directs, hold office for a period of 3 years from the date of his appointment and shall be eligible for reappointment.

Powers of Board

6.—(1) The Board shall 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 prejudice to the generality of subsection (1), the Board shall, subject to the provisions of the Act and this Constitution, have power —

- (a) to administer and manage the finances, accounts, investments, property, business, and all affairs whatsoever 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, including any unapplied income, in investments authorised by the general law for the investment of trust moneys, and to invest such moneys in the purchase of freehold or leasehold property, and to vary any investments by sale and reinvestment or otherwise;
- (c) to purchase, grant, sell, convey, assign, surrender, and yield up, exchange, partition, mortgage, demise, reassign, transfer, and accept leases of real and personal property on behalf of the Polytechnic;

THE SCHEDULE — *continued*

- (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 co-operate with other polytechnics and authorities for the regulation and conduct of examinations, for the examination and inspection of 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 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 without Singapore to select candidates for any office to which the Board may appoint;
 - (n) to delegate any of its powers to any member of the Board or to any committee thereof or to any officer 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 for any of the following 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 and other employees of the Polytechnic;
 - (c) the welfare, discipline, suspension and expulsion of students;

THE SCHEDULE — *continued*

- (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; and
- (h) generally all matters which by the Act or this Constitution the Board is empowered to regulate.

(4) All such regulations shall come into operation on the day on which they are made unless otherwise provided by the Board.

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 his duties.

(2) A member of the Board, except the Principal, may resign from his 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 shall be appointed for the remainder of the term of his predecessor.

Meetings of Board

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

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

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

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

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

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

THE SCHEDULE — *continued*

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

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

Senate

10.—(1) There shall be a Senate which shall consist of —

- (a) the Principal, who shall be Chairman;
- (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 academic staff as may be determined by the Board to be elected by all the full-time academic staff.

(2) The Senate shall meet at least twice in each semester of every academic year and such other times as may be necessary.

(3) The quorum at every meeting of the Senate shall be one quarter of the total number of members of the Senate.

(4) The chairman of the Senate shall be empowered to require any officer or other employee of the Polytechnic to attend a meeting of the Senate.

Powers of Senate

11. Subject to the provisions of the Act and this Constitution and to the availability of funds provided by the Board, the Senate shall have power —

- (a) to provide courses of study for the diplomas, certificates and other awards by the Polytechnic and such other courses of study as may be thought desirable;
- (b) to direct and regulate instruction and education in the Polytechnic;
- (c) to stimulate the advancement of knowledge by research and publications;
- (d) to direct the manner in which examinations may be conducted;
- (e) to determine what examinations and courses of study in other polytechnics or places of learning shall be deemed equivalent to examinations and courses of study in the Polytechnic;
- (f) to advise the Board on the provision of facilities for educational and other academic matters;

THE SCHEDULE — *continued*

- (g) to decide in accordance with this Constitution and the regulations persons who are qualified for the award of diplomas, certificates and other marks of distinction;
- (h) to organise the Schools;
- (i) 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;
- (j) to require any student on academic grounds to terminate his studies at the Polytechnic;
- (k) to provide access to educational activities and programmes for persons who are not registered students;
- (l) to advise the Board on any matter which may be referred to the Senate by the Board;
- (m) to delegate any of its powers to any member of the Senate or any committee thereof or to any officer of the Polytechnic; and
- (n) 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 for any of the following purposes:

- (a) the admission and registration of students;
- (b) the conditions for the award of 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 regulations made by the Senate; and
- (i) generally all matters which by the Act or this Constitution the Senate is empowered to regulate.

THE SCHEDULE — *continued*

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

PART IV
EXAMINATIONS

Examinations

13. Examinations for diplomas, certificates and other awards shall be conducted in accordance with regulations made by the Senate.

PART V
FINANCIAL PROVISIONS

Financial year

14. The financial year of the Polytechnic 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 Polytechnic shall begin on the appointed day and end on 31st March of the succeeding year.

Preparation of estimates

15. It shall be 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.

Estimates

16.—(1) The estimates of income and expenditure shall be in such form as the Board may direct and shall be presented by the Principal to the Board and approved by the Board before the beginning of the financial year, except that the Principal may present, and the Board may approve, supplementary estimates at any time.

(2) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Board may direct.

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 the finances of the Polytechnic on such conditions as it may determine.

(2) Records shall 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.

THE SCHEDULE — *continued***Property donated for specific purposes to be separately accounted for**

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

PART VI

STUDENT BODIES

Republic Polytechnic Students' Union

19.—(1) There shall be a students' association to be known as the Republic Polytechnic Students' Union which shall be constituted by regulations made by the Board and shall consist of such constituent bodies as may be prescribed by those regulations.

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

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