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The following Act was passed by Parliament on 9th November 1990 and assented to by the President on 30th November 1990:—

NATIONAL SCIENCE AND TECHNOLOGY BOARD ACT 1990

(No. 24 of 1990)

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REPUBLIC OF SINGAPORE

No. 24 of 1990.

I assent.



WEE KIM WEE

President.

30th November 1990.

An Act to establish the National Science and Technology Board 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 National Science and Technology Board Act 1990 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 Science and Technology Board established under section 3;

“Council” means the Science Council of Singapore constituted under the Science Council of Singapore Act (Cap. 287);

“member” means a member of the Board and includes the Chairman and the Deputy Chairman;

“chief executive officer” means the chief executive officer appointed under section 14 and includes any temporary chief executive officer of the Board.

Establishment of National Science and Technology Board

3. There shall be established a body to be known as the National Science and Technology Board 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 such other acts or things as bodies corporate may lawfully do and suffer.

Constitution of Board

4.—(1) The Board shall consist of —

(a) a Chairman;

(b) a Deputy Chairman; and

(c) not less than 8 and not more than 20 other members.

(2) The First Schedule shall apply to the Board, its members and proceedings.

Functions of Board

5. The functions of the Board are to —

- (a) encourage and promote research and development in science and technology;
- (b) co-ordinate the establishment and development of research institutes and other facilities connected with science and technology;
- (c) undertake programmes and provide funds to promote and facilitate scientific and technological research and development in both the private and public sectors;
- (d) assess scientific and technological manpower needs and engage in programmes for developing such manpower;
- (e) undertake exchanges and joint programmes with other national and international organisations connected with science and technology; and
- (f) promote activities to increase public awareness of the importance of science and technology.

Powers of Board

6.—(1) The Board shall have power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may —

- (a) appoint committees consisting of persons who may or may not be members of the Board and delegate to the committees such of its powers and functions as it may determine;
- (b) form or participate in the formation of a company or enter into any joint venture or partnership for the purposes of this Act;

- (c) provide scholarships and training grants for the development of manpower in the fields of science and technology;
- (d) grant loans or advances to, or subscribe to stocks, shares, bonds or debentures of new enterprises based on technology;
- (e) provide financial support for research institutes and specific research and development projects undertaken by the private and public sectors;
- (f) promote or undertake publicity in any form;
- (g) publish or sponsor the publication of periodicals, booklets and other written materials;
- (h) receive donations and contributions from any source and raise funds by all lawful means; and
- (i) do anything incidental to any of its powers.

(2) The Board may, with the approval of the Minister, make rules to regulate the proceedings of the Board and generally to carry out the purposes of this Act.

(3) The Board may, in addition to the powers vested in it by subsection (1), exercise such other powers as the Minister may authorise the Board in writing to exercise.

Grants

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

Power to borrow

8. 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.

Bank accounts and application of revenue

9.—(1) The Board shall open and maintain an account or accounts with such bank or banks as the Board thinks fit; and every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

(2) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

Investment

10. Moneys belonging to the Board may be invested in such securities as trustees may by any written law be authorised to invest or, with the written approval of the Minister, in any other securities or investments.

Annual report

11. The Board shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Board during that financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

Accounts

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

Directions by Minister

13.—(1) The Minister may give to the Board such directions, not inconsistent with the provisions of this Act, as to the exercise and performance by the Board of its functions under this Act, and the Board shall give effect to such directions.

(2) The annual report for any year shall set out any directions given by the Minister under subsection (1) and shall contain a report of any action taken by the Board during that year pursuant to the directions.

Appointment of chief executive officer and other employees

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

(2) The chief executive officer shall —

- (a) be known by such designation as the Board may determine;
- (b) be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board; and
- (c) not be removed from office without the consent of the Minister.

(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.

(4) The Board may from time to time appoint such other officers, employees and agents as it thinks fit for the effective performance of its functions on such terms and conditions as it may determine.

Protection from personal liability

15. No suit or other legal proceedings shall lie personally against 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.

Public servants

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

Preservation of secrecy

17.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any

court or under the provisions of any written law, no member, officer, employee or agent of the Board shall disclose any information relating to the affairs of any person which has been obtained by the member, officer, employee or agent in the performance of his duties or the exercise of his functions.

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

Transfer of property, employees, etc

18. The Third Schedule shall have effect for the purpose of the transfer to the Board of the property, employees, rights and liabilities of the Council and for other transitional purposes specified therein.

Symbol of Board

19.—(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) Any person who 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 to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Repeal

20. The Science Council of Singapore Act (Cap. 287) is repealed.

FIRST SCHEDULE

Section 4.

CONSTITUTION AND PROCEEDINGS OF THE 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.

FIRST SCHEDULE — *continued*

(2) The Minister may appoint the chief executive officer to be a member of the Board.

Tenure of office of members

2. A member shall hold office on such conditions and for such term, as the Minister may determine, and shall be eligible for reappointment.

Temporary Chairman or temporary 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 without assigning any reason.

Resignation

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

Chairman may delegate functions

7. The Chairman may, by instrument in writing, authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Vacation of office

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

(a) has been absent, without leave of the Board, from 3 consecutive meetings of the Board; or

(b) becomes in any manner disqualified for membership of the Board.

FIRST SCHEDULE — *continued***Filling of vacancies**

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

Disqualification from membership

10. 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.

Disclosure of interest by members

11.—(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 into his knowledge; and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation of the Board with respect to that transaction or project.

(2) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under sub-paragraph (1) he cannot vote or has withdrawn from the meeting.

Salaries, etc., payable to members

12. There shall be paid to the 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

13.—(1) The Chairman shall summon meetings as often as may be required.

(2) At every meeting of the Board, a quorum shall consist of 3 members.

(3) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

FIRST SCHEDULE — *continued*

(4) The Chairman or in his absence the Deputy Chairman shall preside at all 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 that meeting.

(6) Where not less than 4 members of the Board request the Chairman by notice in writing signed by them to convene a meeting of the Board for any purpose specified in the notice, the Chairman shall, within 7 days from the receipt of the notice, convene a meeting for that purpose.

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

(8) Subject to the provisions of this Act, the Board may make rules to regulate its own procedure generally, 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

14. The acts of a member shall be valid notwithstanding any defect in his appointment or qualifications.

SECOND SCHEDULE

Section 12.

FINANCIAL PROVISIONS

Board 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 1992.

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.

Appointment and remuneration of auditor

3.—(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.

SECOND SCHEDULE — *continued*

(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).

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

Financial statements

4. The Board shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of the preceding year to the auditor who shall audit and report on them.

Duties of auditor

5.—(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, investment of moneys and the acquisition and disposal of assets by the Board 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 should be reported.

(2) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to 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.

Powers of auditor

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

(2) The auditor or any person authorised by him may make copies of, or extracts from, any such accounting and other records.

(3) 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.

SECOND SCHEDULE — *continued*

(4) Any person who fails without reasonable excuse to comply with any requirement of the auditor under sub-paragraph (3) or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Act 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.

Audited financial statements and report of auditor

7.—(1) The Board shall, as soon as practicable after 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 Board, a copy of the audited financial statements and the auditor's report shall be forwarded to the Auditor-General at the same time 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.

THIRD SCHEDULE

Section 18.

PROVISIONS RELATING TO THE TRANSFER OF ASSETS, LIABILITIES
AND EMPLOYEES

Transfer to Board of assets and liabilities

1. As from the appointed day, all movable and immovable property vested in the Council immediately before that day and all assets, rights, interest, privileges, liabilities and obligations incurred by the Council in connection therewith shall be transferred to and shall vest in the Board without further assurance.

Transfer of employees

2.—(1) As from the appointed day, all persons employed immediately before that day by the Council shall be transferred to the service of the Board on terms not 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 Council shall continue to apply to every person transferred to the service of the Board under sub-paragraph (1) as if he were still in the service of the Council.

(3) The terms and conditions to be drawn up by the Board shall take into account the salaries and terms and conditions of service, including any accrued rights to

THIRD SCHEDULE — *continued*

leave, enjoyed by the persons transferred to the service of the Board under this section while in the employment of the Council; and any such term or condition relating to the length of service with the Board shall provide for the recognition of service under the Council by the persons so transferred to be service by them under the Board.

Existing contracts

3. All deeds, bonds, agreements, instruments and arrangements, subsisting immediately before the appointed day, relating to the Council or to any person transferred to the service of the Board under section 18 shall continue in force on and after that day and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto.

Pending proceedings

4. Any proceedings or cause of action pending or existing immediately before the appointed day by or against the Council or any person acting on its behalf may be continued and enforced by or against the Board.

Continuation and completion of disciplinary proceedings

5.—(1) Where on the appointed day any disciplinary proceedings were pending against any employee of the Council transferred to the service of the Board, the proceedings shall be carried on and completed by the Board; but where on that day any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that day.

(2) An order, ruling or direction made or given by a 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 by employee before transfer

6. The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Council, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Council as if this Act had not been enacted.
