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Notification No. B 31 — The Singapore Examinations and Assessment Board Bill is hereby published for general information. It was introduced in Parliament on the 16th day of October 2003.

Singapore Examinations and Assessment Board Bill

Bill No. 31/2003.

Read the first time on 16th October 2003.

THE SINGAPORE EXAMINATIONS AND ASSESSMENT BOARD ACT 2003

(No. of 2003)

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A BILL

i n t i t u l e d

An Act to establish and incorporate the Singapore Examinations and Assessment Board, to provide for its functions, duties 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:

PART I

PRELIMINARY

Short title and commencement

- 5 **1.** This Act may be cited as the Singapore Examinations and Assessment Board Act 2003 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;

10 “assessment” means any test, examination or other method of assessing the level of proficiency, aptitude, skill, knowledge or understanding of a person in any subject matter, other than any of the national examinations;

15 “Board” means the Singapore Examinations and Assessment Board established under section 3;

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

“chief executive” means the chief executive of the Board appointed under section 16 and includes any person acting in that capacity;

20 “Examinations Division” means the department in the Ministry of Education known as the Examinations Division;

“member” means a member of the Board and includes a temporary member of the Board;

25 “national examinations” means the examinations specified in the Schedule.

PART II

ESTABLISHMENT, INCORPORATION AND
CONSTITUTION OF BOARD**Establishment and incorporation of Singapore Examinations and
Assessment Board**

3. There is hereby established a body to be known as the Singapore Examinations and Assessment Board which shall be a body corporate with perpetual succession and shall, by that name, be capable of —

(a) suing and being sued;

(b) acquiring, owning, holding 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.

Common seal

4.—(1) The Board shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as the Board thinks fit.

(2) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Board for the purpose or by one member and the chief executive.

(4) The Board may, by resolution or otherwise in writing, appoint any officer of the Board or any other agent either generally or in any particular case to execute or sign on behalf of the Board any agreement or other instrument not under seal in relation to any matter coming within the powers of the Board.

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

Membership of Board

5.—(1) The Board shall consist of —

(a) a Chairman; and

(b) not less than 6 but not more than 9 other members,

5 all of whom shall be appointed by the Minister.

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

Chairman may delegate functions

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

Term of office of members

7.—(1) A member shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister shall specify in his appointment, and may from time to time be re-appointed.

15 (2) Any member may, at any time, by notice in writing to the Minister resign from his office.

(3) The Minister may, at any time, revoke the appointment of any member without assigning any reason.

20 (4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Board shall pay 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.

25 Temporary Chairman, etc.

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

Meetings and proceedings of Board

9.—(1) At all meetings of the Board, a simple majority of the members shall form a quorum.

5 (2) The Chairman shall preside at all meetings of the Board and, in the absence of the Chairman, the members present shall elect one of their number to preside.

(3) Meetings of the Board shall be held at such times and places as the Chairman may determine.

10 (4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Board, the Chairman shall have a deliberative vote and, in the case of an equality of votes, the Chairman or, in his absence, the member presiding shall have a casting vote.

15 (6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Board may regulate its own proceedings.

Disclosure of interest by members

20 10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board.

25 (2) The disclosure by a member of his interest shall be recorded in the minutes of the Board and that member shall not take part in any deliberation of the Board with respect to the transaction or project.

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

PART III

FUNCTIONS, DUTIES AND POWERS OF BOARD

Functions and duties of Board

5 **11.**—(1) Subject to the provisions of this Act, the functions and duties of the Board shall be —

- (a) to develop and devise national examinations which would support and promote the goals and objectives of Singapore's education system;
- (b) to organise and conduct the national examinations;
- 10 (c) to serve as the examining authority for any of the national examinations or such modules or components of any of the national examinations as the Board may, in consultation with the Minister, determine;
- (d) to publish and disseminate information on matters relating to the Board's functions and duties; and
- 15 (e) to carry out such other functions and duties as are imposed upon the Board under this Act or any other written law.

(2) In addition to the functions and duties imposed under subsection (1), the Board may —

- 20 (a) on such terms as may be mutually agreed upon —
 - (i) organise and conduct any assessment for or on behalf of the Government or any other person or body in Singapore or elsewhere and serve as the examining authority for such assessment; and
 - 25 (ii) provide advisory and consultancy services and training to the Government or any other person or body in Singapore or elsewhere on matters relating to the national examinations and assessments generally; and
- 30 (b) undertake such other functions as the Minister may assign to the Board,

and in so doing, the Board shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Board in respect of such functions.

- 5 (3) Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Powers of Board

10 **12.** The Board shall have power to do anything for the purpose of discharging its functions and duties under this Act or any other written law, or which is necessary, incidental or conducive to the discharge of those functions and duties and, in particular, may —

- (a) engage in or commission research in pursuance of and in matters connected with or relevant to the Board's functions and duties under this Act;
- 15 (b) determine, with the approval of the Minister, and collect the fees to be paid by candidates for any of the national examinations;
- (c) charge fees or commissions for services rendered by the Board, including the conduct of any assessment at the request of the Government or any other person or body in Singapore or elsewhere and for the use of any facilities of the Board;
- 20 (d) with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity and to share profits;
- 25 (e) become a member or affiliate of any international body the functions, objects or duties of which are similar to those of the Board;
- (f) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions and duties;
- 30 (g) acquire or dispose of, in accordance with the provisions of this Act, any property, whether movable or immovable, which the Authority thinks necessary or expedient for the purpose of carrying out its functions and duties;

- (h) receive grants, donations, gifts, subsidies or contributions from any source, or raise funds by all lawful means and apply such funds for any of its functions or duties;
- 5 (i) grant loans to any officer or employee of the Board for such purposes specifically approved by the Board as are likely to increase the efficiency of such officer or employee;
- (j) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers and employees of the Board and members of their families;
- 10 (k) provide for gratuities, pensions, allowances or other benefits for officers or employees, or former officers or employees, of the Board or its predecessors;
- (l) provide financial support, grant, aid or assistance to any person or organisation for all or any of the purposes of this Act or any other written law; and
- 15 (m) provide training, whether by itself or with the co-operation of other persons or bodies as the Board thinks fit, for officers or employees of the Board or any other person who assists the Board in carrying out its functions and duties and award
- 20 scholarships or otherwise pay for such training.

Directions by Minister

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

- 25 (2) The Board shall give effect to any direction given under paragraph (1).

Committees

14.—(1) The Board may, from time to time, appoint, alter or discharge committees, consisting of one or more persons (whether members or not), and define or vary the terms of reference of those committees.

(2) Subject to this Act and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

Delegation of powers

15 **15.**—(1) The Board may, from time to time, in respect of a specified matter or class of matters, by writing, delegate to a member, officer or committee of the Board or agent any of its functions or powers under this Act or under any other written law, except —

- (a) the power of delegation conferred by this section; and
- (b) the power to make any subsidiary legislation.

10 (2) Every member, officer, committee or agent purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no delegated person shall prevent the exercise of any power or the performance of any function or duty by the Board.

PART IV

PROVISIONS RELATING TO STAFF

Appointment of chief executive and other staff

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

20 (2) The chief executive 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
- 25 (c) not be removed from office without the consent of the Minister.

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

(4) The Board may, from time to time, appoint such other officers, employees, consultants, agents or other personnel as it thinks fit for the effective performance of its functions.

Protection from personal liability

5 **17.**—(1) 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 or any other written law.

10 (2) Where the Board provides a service to the public whereby information is supplied to the public pursuant to any written law, neither the Board nor any of its members, officers or employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of
15 whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such member, officer or employee.

Public servants

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

PART V

FINANCIAL PROVISIONS

Financial year

25 **19.** 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 end on 31st March of the succeeding year.

Annual Estimates

30 **20.**—(1) The Board shall in every financial year prepare or cause to be prepared and shall adopt annual estimates of income and expenditure of the Board for the ensuing financial year.

(2) Supplementary estimates may be adopted by the Board at any of its meeting.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Board, be sent immediately to the Minister.

5 **Funds of Board**

21. The Funds of the Board shall consist of —

- (a) all moneys transferred to the Board under section 32;
- (b) all moneys received by the Board by way of grants or subsidies;
- (c) all gifts, donations and contributions to the Board;
- 10 (d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Board;
- (e) all moneys borrowed by the Board under this Act;
- (f) all moneys recovered or collected by the Board or any officer or employee thereof (including sums collected for the composition of offences) under this Act or any other written law administered by the Board; and
- 15 (g) all other moneys lawfully received by the Board for the purposes of the Board.

Grants

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

Power to borrow

- 25 **23.** For the discharge of its functions or duties under this Act or any other written law, the Board 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 —
- 30 (a) mortgage, overdraft or otherwise;

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

5 **Issue of shares, etc.**

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

Bank accounts

25.—(1) The Board shall open and maintain one or more accounts with such bank or banks as the Board thinks fit.

(2) Every such account shall be operated by such person as may, from
15 time to time, be authorised in that behalf by the Board.

Application of moneys

26. 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 payment that the Board is authorised or required to make.

20 **Investments**

27. The Board may invest moneys belonging to it in such funds, securities or investments as may be authorised by the Minister.

Accounts

28. The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —
25

- (a) all payments out of its funds are correctly made and properly authorised; and
- (b) adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the
30 Board.

Audit of accounts

29.—(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 (referred to in this Act as the auditor).

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

(4) 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 the receipts, expenditure and 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 necessary.

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

(6) The auditor shall 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.

Powers of auditor

30.—(1) The auditor or any person authorised by him (referred to in this section as an authorised person) shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Board.

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

(3) The auditor or an authorised person 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 authorised person
5 considers necessary for the purpose of his functions under this Act.

(4) Any person who, without reasonable cause —

(a) fails to comply with any requirement of the auditor or an authorised person under subsection (3); or

10 (b) otherwise hinders, obstructs or delays the auditor or an authorised person in the performance of his duties or the exercise of his powers 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 fine not
15 exceeding \$100 for every day or part thereof for which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

20 **31.**—(1) The Board shall, as soon as its accounts and 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 any report made by the auditor shall
25 be forwarded to the Auditor-General at the same time the auditor's report and financial statements 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 referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES
AND EMPLOYEES**Transfer to Board of property, assets and liabilities**

5 **32.**—(1) As from the appointed day —

 (a) such movable and immovable property vested in the Government
 as may be determined by the Minister for Finance and used or
 managed by the Examinations Division;

 (b) all moneys in the Examinations Fund; and

10 (c) all assets, interests, rights, privileges, liabilities and obligations
 of the Government relating to the Examinations Division,

shall be transferred to and shall vest in the Board without further
assurance, act or deed.

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

20 (3) Any immovable property to be transferred to and vested in the Board
under subsection (1) shall be held by the Board upon such tenure and
subject to such terms and conditions as the President may determine.

25 (4) Every proceedings in respect of the transferred properties by or
against the Government which are pending on the appointed day may be
continued, completed and enforced by or against the Board.

 (5) Every agreement relating to any of the transferred properties to
which the Government was a party immediately before the appointed day,
whether or not of such nature that the rights and liabilities thereunder
could be assigned, shall have effect as from that day as if —

30 (a) the Board had been a party to such an agreement; and

(b) for any reference to the Government there were substituted in respect of anything to be done on or after the appointed day a reference to the Board.

(6) In this section, “Examinations Fund” means the Fund established under regulation 90(1) of the Education (Schools) Regulations (Cap. 87, Rg 1).

Transfer of employees

33.—(1) As from the appointed day, such persons or categories of persons as the Minister may determine who, immediately before that day, were employed by the Government in the Examinations Division shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Board under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not so transferred.

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

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

34.—(1) The terms and conditions to be drawn up by the Board shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Board under section 33 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Board shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Board.

(3) Nothing in the terms and conditions to be drawn up by the Board shall adversely affect the conditions that would have been applicable to

persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Board under section 33, the Government shall be liable to pay to the Board such
 5 portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Board.

10 (5) Where any person in the service of the Board, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Board or is discharged from such service, the Board may grant to him or to such other person wholly or partly dependent on him, as the Board thinks fit, such allowance
 15 or gratuity as the Board may determine.

No benefits in respect of abolition or reorganisation of office

35. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Board under section 33 shall be entitled to claim any benefit under that Act on the ground that he
 20 has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Board.

Existing contracts

36. All deeds, contracts, schemes, bonds, agreements, instruments and
 25 arrangements subsisting immediately before the appointed day to which the Government is a party and relating to the Examinations Division or to any person transferred to the service of the Board under section 33 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
 30 party thereto instead of the Government.

Continuation and completion of disciplinary proceedings and other legal proceedings

37.—(1) Where, on the appointed day, any disciplinary proceedings were pending against any employee of the Government transferred to the

service of the Board, the proceedings shall be carried on and completed by the Board.

(2) Where, on the appointed 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, ruling or direction had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that day.

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

(4) All proceedings or causes of action pending or existing immediately before the appointed day by or against the Government in respect of the Examinations Division may be continued, completed and enforced by or against the Board.

Misconduct or neglect of duty by employee before transfer

38. The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the service of the Government, 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 service of the Government, and if this Act had not been enacted.

PART VII

MISCELLANEOUS

Annual report

39.—(1) The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding financial year and containing such information relating to the proceedings and policy of the Board 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.

Symbol or representation of Board

5 **40.**—(1) The Board shall have the exclusive right to the use of such symbol or representation as the Board may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

10 (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 \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Preservation of secrecy

15 **41.**—(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 person who is or has been —

(a) a member, an officer, an employee or an agent of the Board; or

20 (b) a member of a committee of the Board,

shall disclose any information relating to the affairs of the Board or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

25 (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 24 months or to both.

Corporate offenders and unincorporated associations

30 **42.**—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5 (3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10 (4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of
15 that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

20 (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or a person purporting to act in any such capacity; or

25 (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary and members of the committee of the association and includes persons holding positions analogous to that of president, secretary or member of a committee;

“partner” includes a person purporting to act as a partner.

Composition of offences

30 **43.**—(1) The chief executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

Amendment of Schedule

44. The Minister may at any time, by notification in the *Gazette*, amend the Schedule.

Regulations

45.—(1) The Board may, with the approval of the Minister, make regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Board may make regulations for the following purposes:

- (a) regulating the proceedings of the Board or of the committees of the Board;
- (b) prescribing the fees and charges for the purposes of this Act;
- (c) regulating the conduct of the national examinations and any assessment conducted by the Board under this Act;
- (d) prescribing the offences which may be compounded under this Act.

(3) Such regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Savings

46. In so far as it is necessary to preserve the effect of any document issued by or relating to the Examinations Division, any reference in such document to the Examinations Division shall be construed as a reference to the Board.

THE SCHEDULE

Sections 2 and 44

NATIONAL EXAMINATIONS

1. Primary School Leaving Examination (PSLE)
2. Singapore – Cambridge GCE ‘O’ – Level Examination
3. Singapore – Cambridge GCE ‘N’ – Level Examination
4. Singapore – Cambridge GCE ‘A’ – Level Examination.

EXPLANATORY STATEMENT

This Bill seeks to establish and incorporate a new public corporation to be called the Singapore Examinations and Assessment Board (the Board), and to transfer to the Board the functions, property, liabilities and employees of the Examinations Division of the Ministry of Education and the moneys in the Examinations Fund established under the Education (Schools) Regulations (Cap. 87, Rg 1).

PART I

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

Clause 3 establishes and incorporates the Singapore Examinations and Assessment Board.

Clause 4 relates to the common seal of the Board.

Clause 5 provides for the appointment of the Chairman and members of the Board.

Clause 6 allows the Chairman to authorise any member of the Board to exercise his powers or perform his functions under the Bill.

Clause 7 provides for the term of office of members of the Board.

Clause 8 empowers the Minister to appoint a temporary Chairman or temporary member under certain circumstances.

Clause 9 deals with the meetings and proceedings of the Board.

Clause 10 requires a member of the Board to disclose his interest in any transaction or project of the Board.

PART III

FUNCTIONS, DUTIES AND POWERS OF BOARD

Clauses 11 and 12 set out the functions, duties and powers of the Board.

Clause 13 allows the Minister to give directions (which are consistent with the provisions of the Bill) to the Board in the performance and exercise by the Board of its functions, duties and powers.

Clauses 14 and 15 empower the Board to appoint committees and to delegate to any member, officer or committee of the Board certain of its functions and powers.

PART IV

PROVISIONS RELATING TO STAFF

Clause 16 provides for the appointment of a chief executive of the Board and other staff.

Clause 17 confers upon members, officers and employees of the Board and any other person acting under its direction protection from action or liability for anything done in good faith for the purposes of carrying out the provisions of the Bill or other written law.

Clause 18 deems members, officers and employees of the Board to be public servants for the purposes of the Penal Code (Cap. 224).

PART V

FINANCIAL PROVISIONS

Clause 19 relates to the financial year of the Board.

Clause 20 requires the Board to prepare annual estimates of its income and expenditure and send these to the Minister.

Clause 21 relates to the funds of the Board.

Clause 22 provides for the giving of grants to the Board to carry out its functions under the Bill.

Clause 23 empowers the Board to raise loans.

Clause 24 empowers the Board to issue shares and other securities to the Minister for Finance as a consequence of property, rights or liabilities of the Government vested

in the Board or as a consequence of capital injection or other investment by the Government in the Board.

Clauses 25 and 26 embody the financial provisions applicable to the Board.

Clause 27 deals with the power to invest by the Board.

Clauses 28 to 31 deal with the accounts and financial statements of the Board.

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Clause 32 provides for the transfer to the Board of certain property vested in the Government for the purposes of the Examinations Division and the rights and liabilities connected therewith and the moneys in the Examinations Fund established under the Education (Schools) Regulations (Cap. 87, Rg 1).

Clauses 33 to 38 deal with the transfer of employees of the Examinations Division to the Board, the protection of their terms and conditions of service on transfer, and certain other transitional matters.

PART VII

MISCELLANEOUS

Clause 39 deals with the annual report of the Board.

Clause 40 confers on the Board the exclusive right to use its symbol and representation.

Clause 41 prohibits a person who is or has been a member, an officer, an employee or an agent of the Board or a member of a committee of the Board from making unauthorised disclosure of information relating to the affairs of the Board.

Clause 42 provides that where a body corporate, partnership or other unincorporated association is guilty of an offence under the Bill, its officers, members or partners shall also be guilty of that offence under certain circumstances.

Clause 43 relates to the composition of offences under the Bill.

Clause 44 empowers the Minister to amend the Schedule by notification in the *Gazette*.

Clause 45 empowers the Board to make regulations with the approval of the Minister.

Clause 46 contains a savings provision.

The Schedule sets out the national examinations referred to in the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
