



# **THE STATUTES OF THE REPUBLIC OF SINGAPORE**

## **NATIONAL HERITAGE BOARD ACT**

### **(CHAPTER 196A)**

**(Original Enactment: Act 13 of 1993)**

**REVISED EDITION 2014**

(31st December 2014)

*Prepared and Published by*

THE LAW REVISION COMMISSION  
UNDER THE AUTHORITY OF  
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

2014

# National Heritage Board Act

## ARRANGEMENT OF SECTIONS

### PART 1

#### PRELIMINARY

##### Section

1. Short title
2. Interpretation

### PART 2

#### ESTABLISHMENT, CONSTITUTION, FUNCTIONS AND POWERS OF BOARD

3. Establishment of National Heritage Board
4. Common seal
5. Constitution of Board
6. Functions of Board
7. Powers of Board
8. Appointment of committees and delegation of powers
9. Annual report
10. Directions by Minister

### PART 3

#### NATIONAL MUSEUM OF SINGAPORE

11. Establishment of museums
12. Appointment of directors of museums
13. Initial vesting of objects in Board
14. Certain gifts vesting on or after 1 August 1993
15. Acquisition and disposal of objects
16. Lending and borrowing of objects

### PART 4

17. to 27. [*Repealed*]

**PART 5****PROVISIONS RELATING TO STAFF**

## Section

- 28. Chief executive officer of Board
- 29. Appointment of staff
- 30. Public servants for purposes of Penal Code

**PART 6****FUNDS AND PROPERTY OF BOARD**

- 31. Funds and property of Board
- 32. Power to borrow
- 32A. Issue of shares, etc.
- 33. Grants
- 34. Income of Board to be exempt from income tax, etc.
- 35. Establishment of National Heritage Endowment Fund
- 36. Financial provisions

**PART 7****TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES**

- 37. Transfer of assets and liabilities
- 38. Existing agreements, etc.
- 39. Pending legal proceedings
- 40. Transfer of employees
- 41. Pension rights, etc., of Government employees to be preserved
- 42. No benefits in respect of abolition or reorganisation of office
- 43. Continuation and completion of disciplinary proceedings
- 44. Misconduct or neglect of duty by employee before transfer
- 45. Interpretation of this Part

**PART 8****MISCELLANEOUS PROVISIONS**

- 46. Power to enter upon lands to conduct archaeological investigation
- 47. Board's symbol
- 47A. Preservation of secrecy
- 48. Immunity of Board and its employees, etc.
- 49. Regulations
- 50. Transitional provisions

## Section

- First Schedule — Constitution and proceedings of Board  
Second Schedule — Financial provisions
- 

An Act to establish the National Heritage Board and for matters connected therewith.

[25/2012]

[1st August 1993]

**PART 1****PRELIMINARY****Short title**

1. This Act may be cited as the National Heritage Board Act.

**Interpretation**

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

“Board” means the National Heritage Board established under section 3;

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

“chief executive officer” means the chief executive officer of the Board and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Board and includes any temporary Deputy Chairman of the Board;

“Fund” means the National Heritage Endowment Fund established under section 35;

“member” means a member of the Board;

“object” includes any work of art and any artefact.

[25/2012]

**PART 2****ESTABLISHMENT, CONSTITUTION, FUNCTIONS AND  
POWERS OF BOARD****Establishment of National Heritage Board**

**3.** There shall be established a body to be known as the National Heritage 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, developing and disposing of property, both movable and immovable; and
- (c) doing and suffering all such acts or things as bodies corporate may lawfully do or suffer.

**Common seal**

**4.—(1)** The Board shall have a common seal which shall be kept in such custody 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, and every document to which the common seal is affixed shall be signed by —

- (a) any 2 members of the Board generally or specially authorised by the Board for the purpose; or
- (b) one member of the Board generally or specially authorised by the Board for the purpose and the chief executive officer.

(3) 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.

**Constitution of Board**

**5.—(1)** The Board shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and

- (c) not less than 10 and not more than 25 other members as the Minister may from time to time determine.
- (2) The First Schedule shall have effect with respect to the Board, its members and proceedings.

## Functions of Board

### 6. The functions of the Board shall be —

- (a) to explore and present the heritage and nationhood of the people of Singapore in the context of their ancestral cultures, their links with South-East Asia, Asia and the world through the collection, preservation, interpretation and display of objects and records;
- (b) to promote public awareness, appreciation and understanding of the arts, culture and heritage, both by means of the Board's collections and by such other means as it considers appropriate;
- (c) to promote the establishment and development of organisations concerned with the national heritage of Singapore;
- (d) *[Deleted by Act 25 of 2012]*
- (e) *[Deleted by Act 25 of 2012]*
- (f) *[Deleted by Act 25 of 2012]*
- (g) to advise the Government in respect of matters relating to the national heritage of Singapore; and
- (h) to perform such other functions as are conferred on the Board by any other written law.

*[16/2009; 25/2012]*

## Powers of Board

7.—(1) The Board shall have power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Board shall include power —

- (a) to develop and manage museums and other facilities related to its functions;
- (b) to collect, classify, preserve and display objects and records relevant to its functions;
- (c) to advise and facilitate the preservation of historic sites;
- (d) to undertake or sponsor research and investigation relevant to its functions;
- (e) to arrange for the acquisition, production or publication and the sale to the public of books, pamphlets, replicas and other materials related to its functions;
- (f) to undertake or sponsor programs for the training of persons in the professions and skills involved in the operation of museums;
- (g) to establish liaison with other museums, universities and other institutions to secure maximum collaboration of all activities relevant to its functions;
- (h) to arrange for or provide professional and technical services, on such terms and conditions as may be approved by the Board;
- (i) to raise funds by all lawful means and receive gifts and donations, whether on trust or otherwise;
- (j) to extend grants, contributions or loans to any person or organisation connected with the national heritage of Singapore;
- (k) to enter into contracts and establish trusts;
- (l) to enter into joint ventures with any person or organisation, or form or participate in the formation of a company;
- (m) to provide or undertake publicity in any form; and
- (n) to charge fees, commissions or rent for any objects, services or facilities provided by the Board.

**Appointment of committees and delegation of powers**

**8.**—(1) The Board may, in its discretion, appoint such number of committees as it thinks fit consisting of its members or other persons or its members and other persons for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

[16/2009]

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or to the Chairman, all or any of the powers and functions vested in the Board by this Act, except the power of delegation under this subsection and the power to make any subsidiary legislation under this Act; and any power or function so delegated may be exercised or performed by the committee or Chairman in the name and on behalf of the Board.

[16/2009]

(3) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any employee of the Board or to any other person all or any of the powers and functions vested in the Board by this Act, except the power of delegation under this subsection and the power to make any subsidiary legislation under this Act; and any power or function so delegated may be exercised or performed by the employee or person in the name and on behalf of the Board.

[16/2009]

(4) The Board may continue to exercise any power conferred upon it, or perform any function under this Act, notwithstanding the delegation of the power or function under this section.

[16/2009]

**Annual report**

**9.**—(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 that financial year.

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



**Directions by Minister**

**10.**—(1) The Minister may, in consultation with the Board or otherwise, give the Board such directions, not inconsistent with the provisions of this Act, as he thinks fit as to the exercise and performance by the Board of its functions under this Act and the Board shall give effect to any such directions.

(2) The Board shall give the Minister such information with regard to its property and activities as the Minister may require.

**PART 3****NATIONAL MUSEUM OF SINGAPORE****Establishment of museums**

**11.**—(1) The Board shall establish such museums as it thinks fit.

(2) Every museum established by the Board under subsection (1) shall be known by such name as the Board thinks fit.

(3) All museums established by the Board under subsection (1) and the museum transferred to the Board under section 37 shall collectively be known as the National Museum of Singapore.

**Appointment of directors of museums**

**12.** The Board may appoint a director for any museum established by the Board under section 11 and the museum transferred to it under section 37 who shall be responsible to the Board for the general management and control of the museum so established or transferred.

**Initial vesting of objects in Board**

**13.**—(1) Where the property in an object was vested in the Government immediately before 1 August 1993, and the object —

- (a) then formed part of the collections of the National Museum;  
or
- (b) was then in use in respect of the collections or solely for the purposes of the administration of the National Museum,

then the property shall on that date become vested instead in the Board.

(2) In the case of an object mentioned in subsection (1)(a), it is immaterial that, immediately before 1 August 1993, it was situated elsewhere than at premises managed for the purposes of the National Museum.

(3) On 1 August 1993, any right, power, duty or liability which was immediately before that date exercisable by or incumbent on the Government in relation to any object mentioned in subsection (1) shall instead become exercisable by or incumbent on the Board.

(4) Subsections (1) and (3) shall not apply as regards such object excepted from those provisions as the Minister may specify.

### **Certain gifts vesting on or after 1 August 1993**

**14.**—(1) Subsection (2) shall apply to a gift (by will or otherwise) —

- (a) which is contained in an instrument made or executed before 1 August 1993 but coming into effect on or after that date; and
- (b) which would, apart from this Act, have vested an interest in property (of any nature) in the Government for the purposes of the National Museum.

(2) The gift shall, in the absence of any contrary intention expressed in that or another instrument made by the testator or donor, have effect so as to vest the interest in the Board in place of the Government.

### **Acquisition and disposal of objects**

**15.**—(1) The Board may acquire (whether by purchase, exchange or gift) any object which in its opinion is desirable to add to its collections.

(2) Without prejudice to any power apart from this subsection, the Minister may transfer to the Board any object (whether or not he acquired it before the Board's establishment) if in his opinion it would appropriately form part of its collections.

(3) The Board may not dispose of an object of significant national or historical value, the property in which is vested in the Board and which is comprised in its collections, unless the object is —

- (a) a duplicate of another object the property in which is so vested and which is so comprised; or
- (b) in the Board's opinion unsuitable for retention in its collections,

and the disposal is done with the prior approval of the Minister and by way of sale, exchange or gift.

(4) The Board may dispose of (by whatever means, including destruction) any object which the Board is satisfied has become useless for the purposes of its collections by reason of damage, physical deterioration or infestation by destructive organisms.

(5) An object may be disposed of as mentioned in subsection (4) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

(6) Money accruing to the Board by virtue of a disposal mentioned in this section shall be applied by the Board in the acquisition of objects to be added to its collections.

### **Lending and borrowing of objects**

**16.—**(1) Subject to subsection (2), the Board may lend any object the property in which is vested in the Board and which is comprised in its collections (whether or not the loan is for the purposes of public exhibition, and whether or not under the terms of the loan the object is to remain in Singapore).

(2) In deciding whether or not to lend an object, and in determining the time for which and the conditions subject to which an object is to be lent, the Board —

- (a) shall give special consideration to a request for the loan of an object for public exhibition; and
- (b) subject to paragraph (a), shall have regard to the interests of students and other persons visiting the Board's collections, the suitability of the prospective borrower, the purpose of the

loan, the physical condition and degree of rarity of the object and any risks to which it is likely to be exposed.

(3) Where the property in an object has become vested in the Board subject to a condition, the power conferred by subsection (1) is exercisable in a manner inconsistent with the condition if either —

- (a) 25 years have elapsed since the date on which the property became vested in the Board; or
- (b) the person who first imposed the condition or his personal representatives have consented in writing to the exercise of the power in that manner.

(4) The Board may accept loans of objects for the purpose, subject to the terms of the loan, of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.

## PART 4

**17. to 27.** [*Repealed by Act 25 of 2012*]

## PART 5

### PROVISIONS RELATING TO STAFF

#### **Chief executive officer of Board**

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

(2) The chief executive officer shall —

- (a) be known by such designation as the Board may determine; and
- (b) be responsible to the Board for the proper administration and management of the affairs of the Board in accordance with the policy laid down by the Board.

(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.

### **Appointment of staff**

**29.** The Board may —

- (a) appoint such number of officers and employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their service or exercise disciplinary control over them in accordance with their terms of service; and
- (b) engage and remunerate for their services such persons as the Board considers necessary for carrying out its functions and duties.

### **Public servants for purposes of Penal Code**

**30.** 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 6**

### **FUNDS AND PROPERTY OF BOARD**

#### **Funds and property of Board**

**31.—(1)** The funds and property of the Board shall include —

- (a) all moneys and property transferred to the Board pursuant to section 37;
- (b) all gifts, donations and contributions to the Board;
- (c) all moneys received by the Board by way of grants;
- (d) all fees, commissions, rents, interests, dividends and other income accruing to the Board;
- (e) all moneys borrowed by the Board under this Act; and
- (f) all moneys recovered or collected by the Board or any officer or employee of the Board (including sums collected for the

composition of offences) under this Act or any other written law that is administered and enforced by the Board.

[16/2009]

(2) The Board may open and maintain an account or accounts with any bank or banks as the Board thinks fit.

(3) The Board may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

[45/2004]

(4) Subject to the terms of any trust or endowment, the funds and property of the Board shall be applied solely for the purposes of or in connection with the performance of the functions, powers and duties of the Board under this Act.

### **Power to borrow**

**32.**—(1) For the performance of its functions or discharge of its 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, raise loans within or outside Singapore from such source as the Minister may direct by —

- (a) mortgage, overdraft or other means, with or without security;
- (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, bonds or any other instrument as the Minister may approve.

[16/2009]

(2) For the purposes of this section, the power to raise loans shall include the power to make any financial agreement whereby credit facilities are granted to the Board for the purchase of goods, materials or things.

[16/2009]

### **Issue of shares, etc.**

**32A.** 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 Minister for Finance as that Minister may from time to time direct.

[5/2002]

## **Grants**

**33.** 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.

## **Income of Board to be exempt from income tax, etc.**

**34.** The Board shall be deemed to be —

- (a) an institution specified in the First Schedule to, and under section 13(1)(e) of, the Income Tax Act (Cap. 134); and
- (b) an institution of a public character approved under the Charities Act (Cap. 37).

[10/2007]

## **Establishment of National Heritage Endowment Fund**

**35.—(1)** There shall be established a fund to be known as the National Heritage Endowment Fund which shall vest in the Board and consist of —

- (a) all moneys received by the Board by gift, bequest or otherwise for the Fund;
- (b) such contributions to the Fund as the Minister may specify from moneys provided by Parliament; and
- (c) such other moneys as the Board may decide to transfer to the Fund.

(2) Any interest, dividends and other income derived from the Fund shall be credited to the general funds of the Board.

(3) For the purposes of this section, “general funds of the Board” means the funds of the Board other than the Fund.

(4) The Fund shall not, except with the prior written approval of the Minister, be applied, disposed of or alienated otherwise than as specified in section 31(3) and (4).

### **Financial provisions**

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

## **PART 7**

### **TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES**

#### **Transfer of assets and liabilities**

**37.—(1)** As from 1 August 1993, all movable property vested in the Government immediately before that date and used or managed by the National Museum, the National Archives and Records Centre or the Oral History Department, and all assets, rights, interests, liabilities and obligations of the Government relating to the National Museum, the National Archives and Records Centre or the Oral History Department shall be transferred to and shall vest in the Board without further assurance.

(2) As from 1 August 1993, the Board shall control and manage the National Museum which shall be known by such name as the Board thinks fit.

(3) If any question arises as to whether any particular property, or whether any particular asset, interest, right, 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, liability or obligation was or was not so transferred or vested.

#### **Existing agreements, etc.**

**38.** All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before 1 August 1993, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Board under section 37(1) shall continue in force on and after that date and shall be enforceable



by or against the Board as if, instead of the Government or a person acting on behalf of the Government, the Board had been named therein or had been a party thereto.

### **Pending legal proceedings**

**39.** Any proceedings or cause of action pending or existing immediately before 1 August 1993 by or against the Government or any person acting on behalf of the Government relating to the National Museum, the National Archives and Records Centre or the Oral History Department may be continued and shall be enforced by or against the Board.

### **Transfer of employees**

**40.—**(1) As from 1 August 1993, such categories of persons employed immediately before that date in the National Museum, the National Archives and Records Centre and the Oral History Department as the Minister may determine 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) 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**

**41.—**(1) The terms and conditions of service of persons transferred to the service of the Board under section 40 shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by such persons while in the employment of the Government and any such term or condition relating to the length of service with the Board shall provide for the recognition of service under the Government by persons so transferred to be service by them under the Board.

(2) Nothing in the terms and conditions of service 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).

(3) In every case where a person has been transferred to the service of the Board under section 40, the Government shall be liable to pay the Board such portion of any gratuity, pension or allowance payable to such person on his retirement or otherwise leaving the service of the Board 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.

(4) Where any person who is transferred to the service of the Board under section 40 is a contributor under the Widows' and Orphans' Pension Act (Cap. 350), he shall, for the purposes of that Act, continue to make contributions under that Act as if he had not been transferred to the service of the Board and, for the purposes of that Act, his service with the Board shall be deemed to be service with the Government.

### **No benefits in respect of abolition or reorganisation of office**

**42.** Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Board under section 40 shall be entitled to claim any benefit under the Pensions Act on the ground that he 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.

### **Continuation and completion of disciplinary proceedings**

**43.—**(1) Where on 1 August 1993, any disciplinary proceedings are pending against any person transferred to the service of the Board under section 40, any committee acting under due authority to hear or investigate the matter shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be, and the Government or committee shall complete the hearing or investigation in accordance with the authority vested in the Government or committee immediately before that date and make such order,

ruling or direction as the Government or committee could have made under the authority vested in it immediately before that date.

(2) Any order, ruling or direction made or given by the Government or 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 or neglect of duty by employee before transfer**

**44.** The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under section 40 for any misconduct or neglect of duty committed prior to 1 August 1993 which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Government as if this Act had not been enacted.

### **Interpretation of this Part**

**45.** In this Part, “National Archives and Records Centre” means the National Archives and Records Centre established under the repealed National Archives and Records Centre Act (Cap. 193, 1985 Ed.) in force immediately before 1 August 1993.

## **PART 8**

### **MISCELLANEOUS PROVISIONS**

#### **Power to enter upon lands to conduct archaeological investigation**

**46.—(1)** Subject to this section, any person specifically authorised in writing by the Board, after giving not less than 24 hours’ notice in writing to the occupier of the land of his intention to enter the land and on production of his authority, if so required by or on behalf of the occupier, may enter for the purposes of archaeological investigation or examination at all reasonable times upon any land which the Board has reason to believe contains any ancient monument and may make excavations in the land.

(2) No person shall, under any power conferred by subsection (1), enter any dwelling-house or any building, park, garden, pleasure ground or other land used for the amenity or convenience of a dwelling-house except with the consent of the occupier.

(3) No excavation shall be made under the power conferred by subsection (1) except with the consent of every person whose consent to the making of the excavation would, apart from that subsection, be required.

(4) Any power of entry under this section shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which his entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to subsection (4), where a person enters any land in exercise of any power of entry under this section for the purpose of carrying out any archaeological investigation or examination of the land, he may take and remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Where a person enters any land in exercise of any power of entry under this section for the purpose of carrying out any archaeological investigation or examination of the land, he may take temporary custody of any object of archaeological or historical interest discovered during the course of the excavations carried out for that purpose, and remove it from its site for the purpose of examining, testing, treating, recording or preserving it.

(7) The Board or other person by or on whose behalf the power of entry was exercised may not retain the object without the consent of the owner beyond such period as may be reasonably required for the purpose of examining and recording it and carrying out any test or treatment which appears to the Board or to that person to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(8) Nothing in this section shall affect any right of the Government in relation to treasure trove.

(9) Any person who wilfully obstructs or hinders any person in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

(10) In this section —

“ancient monument” means any monument which, in the opinion of the Board, is of public interest by reason of the historic, cultural, traditional, archaeological, architectural, artistic or symbolic significance attaching to it;

“monument” means the whole or any part of, or the remains of —

- (a) any building, structure, erection, statue, sculpture or other work, whether above or below the surface of the land, and any cave or excavation;
- (b) any site comprising the remains of any such building, structure, erection, statue, sculpture or other work, or of any cave or excavation; or
- (c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a),

and includes any machinery attached to or forming part of a monument which cannot be detached from the monument without being dismantled.

[16/2009]

(11) For the purposes of this section, “archaeological investigation” means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and includes in the case of an archaeological investigation of any land —

- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land; and

- (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavation or inspection carried out for the purposes of any such investigation.

(12) For the purposes of this section, an archaeological examination of any land means any examination or inspection of the land (including any buildings or other structures on the land) for the purpose of obtaining and recording any information of archaeological or historical interest.

### **Board's symbol**

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

(2) A person who, without the permission of the Board, 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 cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

### **Preservation of secrecy**

**47A.—**(1) Except for the purpose of the performance of his functions or the discharge of his duties or when lawfully required to do so by any court, or under the provisions of this Act or any written law, no person who is or has been —

- (a) a member, an officer, an employee or an agent of the Board; or
- (b) a member of a committee appointed by the Board under this Act or any written law administered by 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 functions or the discharge of his duties.

[16/2009; 25/2012]

(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 12 months or to both.

[16/2009]

### **Immunity of Board and its employees, etc.**

**48.** No suit or other legal proceedings shall lie against the Board, 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 the Preservation of Monuments Act (Cap. 239).

[16/2009]

### **Regulations**

**49.—**(1) The Board may, with the approval of the Minister, make regulations for any matter which may be prescribed under this Act and generally for the better carrying out of the objects and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

- (a) provide for the use, custody, preservation, reproduction, removal, destruction and disposal of the objects and other documents under this Act;
- (b) provide for regulating the conduct of persons on any land or building owned by, or under the control of, the Board;
- (c) *[Deleted by Act 25 of 2012]*
- (d) prescribe the forms, fees or registers for the purposes of this Act; and
- (e) provide for the exemption from the payment, in whole or in part, of any fee under this Act.

[25/2012]

### **Transitional provisions**

**50.—**(1) Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed National Archives and Records Centre Act (Cap. 193, 1985 Ed.) shall, so far as it is not inconsistent with the provisions of

this Act, continue and be deemed to have been prepared, made, granted or approved under this Act.

(2) Any subsidiary legislation made under the repealed National Archives and Records Centre Act and in force immediately before 1 August 1993 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked by subsidiary legislation made under this Act.

## FIRST SCHEDULE

Section 5(2)

### CONSTITUTION AND PROCEEDINGS OF 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.

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

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

#### **Tenure of office of members**

2. The Chairman, the Deputy Chairman and every other member shall, unless their appointment is revoked under paragraph 5 or they resign during their term of office under paragraph 6, hold office for such term as the Minister may determine.

#### **Temporary Chairman or 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.



FIRST SCHEDULE — *continued***Resignation**

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

**Vacation of office of member**

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

- (a) becomes in any manner disqualified for membership of the Board; or
- (b) has been absent, without leave of the Board, from 3 consecutive meetings of the Board.

**Filing of vacancy in office of member**

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

**Disqualification from membership**

9. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is mentally disordered and incapable of managing himself or his affairs;
- (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.

**Member's interest to be made known**

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 the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

FIRST SCHEDULE — *continued*

(3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this paragraph.

**Salaries, fees and allowances payable to members**

11. There shall be paid to the Chairman, the Deputy 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**

12.—(1) The Board shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) At every meeting of the Board, one-half of the total number of members shall form a quorum.

(3) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

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

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

(7) Subject to the provisions of this Act, the Board may make standing orders to regulate its own procedure and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings at such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

**Validity of acts of members**

13. The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

[21/2008]

**SECOND SCHEDULE**

Section 36

**FINANCIAL PROVISIONS****Financial year**

1. The financial year of the Board shall begin on 1 April of each year and end on 31 March of the succeeding year, except that the first financial year of the Board shall begin on 1 August 1993 and shall end on 31 March 1994.

**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.

**Financial statements**

3. The Board shall, as soon as practicable in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor appointed under paragraph 4(1).

**Appointment of auditor**

4.—(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.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is a public accountant within the meaning of the Companies Act (Cap. 50).

**Remuneration of auditor**

5. The remuneration of the auditor shall be paid out of the funds of the Board.

**Powers of auditor**

6. 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 Board and may make copies of, or extracts from, any such accounting and other records.

SECOND SCHEDULE — *continued***Duties of auditor**

7.—(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 and investment of moneys and the acquisition and disposal of assets by the Board during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(2) The auditor shall send a report of his audit to the Minister through 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.

**Failure to furnish information to auditor**

8.—(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 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 sub-paragraph (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 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.

**Presentation of financial statements and auditor's report to Parliament**

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

(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 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 report of the auditor to be presented to Parliament.

# LEGISLATIVE HISTORY

## NATIONAL HERITAGE BOARD ACT

### (CHAPTER 196A)

This Legislative History is provided for the convenience of users of the National Heritage Board Act. It is not part of the Act.

#### **1. Act 22 of 1967 — National Archives and Records Centre Act 1967**

Date of First Reading : 29 June 1967  
(Bill No. 17/67)

Date of Second and Third Readings : 8 September 1967

Date of commencement : 7 February 1969

#### **2. 1970 Revised Edition — National Archives and Records Centre Act (Chapter 310)**

Date of operation : 31 August 1971

#### **3. 1985 Revised Edition — National Archives and Records Centre Act (Chapter 193)**

Date of operation : 30 March 1987

#### **4. Act 13 of 1993 — National Heritage Board Act 1993**

Date of First Reading : 26 February 1993  
(Bill No. 5/93)

Date of Second and Third Readings : 13 April 1993

Date of commencement : 1 August 1993

*Note: The National Heritage Board Act 1993 repealed and re-enacted with amendments the National Archives and Records Centre Act (Chapter 193, 1985 Revised Edition).*

#### **5. 1994 Revised Edition — National Heritage Board Act (Chapter 196A)**

Date of operation : 15 March 1994

#### **6. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002 (Consequential amendments made to Act by)**

Date of First Reading : 3 May 2002  
(Bill No. 7/2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 15 July 2002

**7. Act 45 of 2004 — Trustees (Amendment) Act 2004**

(Consequential amendments made to Act by)

Date of First Reading : 21 September 2004  
(Bill No. 43/2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

**8. Act 10 of 2007 — Charities (Amendment) Act 2007**

(Consequential amendments made to Act by)

Date of First Reading : 8 November 2006  
(Bill No. 22/2006)

Date of Second and Third Readings : 23 January 2007

Date of commencement : 1 March 2007

**9. Act 16 of 2009 — Preservation of Monuments Act 2009**

(Consequential amendments made to Act by)

Date of First Reading : 23 March 2009  
(Bill No. 9/2009)

Date of Second and Third Readings : 13 April 2009

Date of commencement : 1 July 2009

**10. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**

(Consequential amendments made to Act by)

Date of First Reading : 21 July 2008  
(Bill No. 11/2008)

Date of Second and Third Readings : 15 September 2008

Date of commencement : 1 March 2010 (item 1(33) of the  
Second Schedule — amendment  
of National Heritage Board Act)

**11. Act 25 of 2012 — Statutes (Miscellaneous Amendments) (No. 2) Act 2012**

Date of First Reading : 10 September 2012  
(Bill No. 23/2012)

Date of Second and Third Readings : 15 October 2012

Date of commencement : 28 March 2013 (section 7 —  
amendment of National Heritage  
Board Act)