



LAWS OF MALAYSIA

REPRINT

Act 145

POLITEKNIK UNGKU OMAR ACT 1974

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

POLITEKNIK UNGKU OMAR ACT 1974

Date of Royal Assent 30 July 1974

Date of publication in the *Gazette* 22 August 1974

PREVIOUS REPRINTS

First Reprint 1997

Second Reprint 2001

LAWS OF MALAYSIA**Act 145****POLITEKNIK UNGKU OMAR ACT 1974**

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Establishment of the Politeknik
4. Directions by the Minister
5. Constitution of the Board of Governors
6. Functions of the Board
7. Secretary of the Board
8. Quorum
9. Power of the Board to enter into contracts and hold property
10. Establishment of Fund
11. Annual Estimates
12. Audit
13. Annual reports
14. Use of common seal
15. Establishment of Board of Studies
16. Appointment, powers and duties of Principal
17. Power of Minister to make regulations

LAWS OF MALAYSIA**Act 145****POLITEKNIK UNGKU OMAR ACT 1974**

An Act to provide for the establishment, maintenance, and administration of the Politeknik Ungku Omar and for other matters connected therewith.

[]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title and commencement

1. This Act may be cited as the Politeknik Ungku Omar Act 1974 and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Interpretation

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

“Board” means the Board of Governors of the Politeknik Ungku Omar constituted under section 5;

“Board of Studies” means the Board of Studies of the Politeknik established under section 15;

“Chairman” means the Chairman of the Board;

“Principal” means the Principal of the Politeknik appointed under section 16.

Establishment of the Politeknik

3. (1) There shall be established an institution to be styled “Politeknik Ungku Omar” (hereinafter referred to as “the Politeknik”).

(2) Subject to the approval of the Minister, the Politeknik may provide studies and training in the fields of technology and commerce and such other studies and training as the Board may decide.

Directions by the Minister

4. The Minister may issue directions to the Board not inconsistent with the provisions of this Act regarding the policy to be pursued by the Politeknik and the Board shall give effect to such directions.

Constitution of the Board of Governors

5. (1) There shall be constituted a Board to be known as the Board of Governors of the Politeknik Ungku Omar, which shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Board shall consist of a Chairman and not more than fifteen other members to be appointed by the Minister, and shall include representatives from both the public and the private sectors.

(3) The Chairman and other members appointed by name shall, unless the Minister otherwise directs, hold office for a period of three years and shall be eligible for reappointment:

Provided that the Minister may at any time revoke such appointment.

(4) Any member of the Board may resign from the Board by notice in writing to that effect addressed to the Chairman, and as from the date of receipt by the Chairman of such notice such member shall cease to be a member.

(5) If the Chairman is absent from any meeting of the Board, the members present shall appoint from their number a Chairman for the purposes of that meeting.

(6) The Board may grant leave of absence to any member of the Board.

(7) Any member absenting himself from four consecutive meetings of the Board without having obtained leave of absence from the Board shall be considered as having resigned from the Board.

(8) If a vacancy occurs by death, resignation, revocation of appointment or otherwise the vacancy shall be filled by a person to be appointed by the Minister and such person shall hold office for the remainder of the term of office of the member in whose place he is appointed.

Functions of the Board

6. (1) It shall be the duty of the Board, in the exercise of its powers and in the performance of its functions, to act in such manner as appears to it best calculated to promote the aims and interests of the Politeknik.

(2) The functions of the Board shall include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the government, control and administration of the Politeknik and of the assets of the Politeknik and, in particular, but without prejudice to the generality of the foregoing, shall include the following:

- (a) subject to section 11, authorizing appropriate and necessary expenditure within the funds available to the Politeknik;
- (b) preparing an annual report on the working of the Politeknik and of such annual statements as are required by this Act or by any regulations made thereunder;
- (c) appointing the members of the academic and non-academic staff and in addition appointing such advisers as the Board may consider necessary or desirable, subject to such terms and conditions of service as approved by the Minister;
- (d) regulating matters relating to the academic management of the Politeknik and in particular to the qualifications necessary for entrance to the Politeknik, the course of instruction, the duration of the course and the award of certificates;

- (e) regulating matters relating to—
- (i) the procedure in regard to meetings of the Board and the Board of Studies;
 - (ii) the setting up, membership, powers and functions of Advisory Committees and of any other Committee duly appointed under the provisions of this Act and the procedure in regard to the meetings of such Committees;
 - (iii) the form and method of keeping the accounts of the Politeknik;
 - (iv) the powers and functions of the officers of the Politeknik;
 - (v) the establishment of students' bodies; and
 - (vi) the fees payable by students at the Politeknik;
- (f) providing pensions, superannuation or provident fund schemes for the benefit of its employees or any section of such employees and making arrangements for the establishment of such schemes as may be approved by the Minister;
- (g) the regulating and providing for the welfare and discipline of academic and non-academic staff and students;
- (h) prescribing such fees as may from time to time be prescribed by regulations.

Secretary of the Board

7. The Registrar of the Politeknik shall be the secretary of the Board.

Quorum

8. (1) Every question before the Board at any meeting shall be decided by a majority of the votes of the members present.

(2) Half of the members appointed shall form a quorum.

(3) The Chairman at any meeting shall have an original vote and, in the case of an equality of votes, may exercise a second or casting vote.

Power of the Board to enter into contracts and hold property

9. (1) The Board may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.

(2) The Board may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purposes may sell, lease, mortgage or otherwise dispose of, any property so acquired.

Establishment of Fund

10. (1) For the purpose of this Act there is hereby established a Fund to be known as the Politeknik Ungku Omar Fund which shall be administered and controlled by the Board.

(2) The Fund shall consist of—

(a) such sums as may be provided from time to time by Parliament;

(b) such sums as may from time to time be lent to the Board by the Government;

(c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

(d) all sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties;

(e) any voluntary gift to the Board or to the Politeknik.

(3) All the moneys paid to the Board or the Politeknik shall be applied or expended by the Politeknik for all or any of the purposes of the Politeknik in accordance with the estimates approved by the Minister.

(4) It shall be the duty of the Board to conserve the Fund by so exercising and performing its functions and duties under this Act so as to secure that the total revenues of the Board are sufficient to meet all sums properly chargeable to its revenue account.

(5) The Fund may be placed on deposit with a bank in Malaysia holding a valid licence under the provisions of the Banking and Financial Institutions Act 1989 [*Act 372*] or invested in the securities of the Government or such other securities as may be approved in writing by the Minister of Finance.

Annual Estimates

11. (1) The Principal shall lay before the Board an estimate of revenue and expenditure of the Politeknik including capital expenditure for the ensuing financial year in such detail or form as the Board may require.

(2) A copy of such estimate shall be sent to each member of the Board not less than fourteen days prior to the meeting before which the estimate is to be laid.

(3) The Board shall consider the estimate so submitted and shall sanction the same either unaltered or subject to such alterations as it thinks fit.

(4) Such estimate as sanctioned by the Board shall be submitted to the Minister, who may at any time, within one month after receipt of the same disallow such estimate, or any portion thereof, and return the same for amendment.

(5) The Board shall, if the estimate is so returned by the Minister, forthwith proceed to amend the same, and shall re-submit the estimate so amended to the Minister.

(6) The Board may, at any time during the year for which such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it.

(7) Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Minister, and, if necessary, amended and resubmitted as if it were an original estimate.

(8) The Board shall not incur expenditure otherwise than in accordance with estimates or supplementary estimates approved by the Minister.

Audit

12. (1) The accounts of the Politeknik shall be audited annually by the Auditor General or any other auditor appointed by the Board with the approval of the Minister of Finance.

(2) The audited accounts, with any observations made thereon by the Auditor General or the auditor appointed under subsection (1), shall be presented to the Board at its next meeting.

Annual reports

13. The Board shall not later than the 30th day of April in each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Politeknik during the preceding financial year and containing such information relating to the proceedings and policy of the Politeknik as the Minister may from time to time direct.

Use of common seal

14. The common seal of the Board shall be in the custody of the Principal and shall not be affixed to any instrument except in the presence of the Chairman or a member of the Board and the Principal who shall sign their names to the instrument in token of their presence.

Establishment of Board of Studies

15. The Board shall establish a body to be known as the Board of Studies of the Politeknik and it shall be the duty of the Board of Studies to advise the Board on academic matters in accordance with the provisions of this Act and any regulations made thereunder.

Appointment, powers and duties of Principal

16. (1) There shall be a Principal of the Politeknik who shall be appointed by the Board with the concurrence of the Minister, on such terms and conditions as the Board may determine.

(2) The Principal shall be an *ex-officio* member of the Board and Chairman of the Board of Studies.

(3) The Principal shall be the chief administrative and academic officer of the Politeknik and shall be responsible to the Board—

(a) for the proper administration of the Politeknik in accordance with the policy of the Board;

- (b) for the academic management of the Politeknik in accordance with the policy of the Board;
- (c) for the proper enforcement of regulations and by-laws;
- (d) for the welfare and discipline of the academic and non-academic staff and students of the Politeknik,

and for such purposes the Principal shall have, subject to the provisions of this Act, all such powers as are necessary or expedient.

Power of Minister to make regulations

17. (1) The Minister may make all such regulations as may be necessary for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may provide for all or any of the following matters:

- (a) the powers and functions of the Board;
 - (b) the matters relating to which by-laws may be made by the Board; and
 - (c) the preparation, audit and submission to the Minister of estimates, budgets, statements and returns.
-

LAWS OF MALAYSIA**Act 145****POLITEKNIK UNGKU OMAR ACT 1974**

LIST OF AMENDMENTS

Amending law

Short title

In force from

– NIL –

LAWS OF MALAYSIA**Act 145****POLITEKNIK UNGKU OMAR ACT 1974**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
	- NIL -	

