

No. S 20

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under Section 83)

EMERGENCY (UNIVERSITI BRUNEI DARUSSALAM) ORDER, 1988

In exercise of the powers conferred by section 83 of the Constitution of Brunei Darussalam, His Majesty The Sultan and Yang Di-Pertuan hereby makes the following Order :

1. This Order may be cited as the Emergency (Universiti Brunei Darussalam) Order, 1988 and shall come into force on a date to be appointed by notification in the *Government Gazette* by the Minister of Education. Short title and commencement.

2. In this Order, unless the context otherwise requires : Interpretation.

"appointed day" means the date appointed under section 1 ;

"the Constitution" means the Constitution of the University contained in the Schedule to this Order ;

"regulation" and "statute" respectively have the same meaning as in the Constitution ;

"University" means Universiti Brunei Darussalam established and incorporated by this Order.

3. The provisions of the Constitution shall, upon the appointed day, take effect and have the force of law. University Constitution.

4. (1) The University shall keep and maintain an office in Brunei Darussalam which shall be its address for service for all notices and other written communications of all kinds. Office address for service.

(2) All notices and other written communications shall, if left at the office kept and maintained under sub-section (1), be deemed as having been duly served upon or delivered to the University or such officer or authority to whom they may have been addressed.

5. The University shall keep at the office mentioned in section 4 a copy of each current statute, regulation or other document required to be published under this Order or the Constitution, and shall keep the same available at all reasonable hours for inspection by the public and, where any books or copies of documents are, under this Order of the Constitution, required to be available for purchase by the public, such books or copies shall be kept available for purchase at such office or at some other place within Brunei Darussalam as the University may think fit. Copies of statutes, etc. to be kept at University Office.

Grants-in-aid and accounts of the University.

6. (1) The Minister of Finance shall cause to be paid to the University such moneys as may be approved by the Government from time to time as grants-in-aid to the university.

(2) All moneys paid to the University under sub-section (1) shall be applied or expended by the University for all or any of the purposes of the University in accordance with the estimates approved under Part V of the Constitution.

(3) A copy of the accounts of the University for each financial year when prepared and audited in accordance with the Constitution shall, as soon as practicable after the completion of the audit, be sent to the Minister of Finance.

Acquisition of land for purposes of the University.

7. (1) Where any immovable property, not being State land, is needed for the purposes of the University, His Majesty The Sultan and Yang Di-Pertuan may if he thinks fit direct the acquisition of such property and in such a case such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such written law that such property is so needed may be made notwithstanding that compensation is to be paid out of the funds of the University, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under sub-section (1) shall be paid by the University or from funds to be provided by the Government to the University for the said purpose.

(3) All State land granted or immovable property acquired under this section shall vest in the University, and an entry to that effect in the appropriate register shall be made by the proper registering authority.

Rules.

8. His Majesty The Sultan and Yang Di-Pertuan may make rules generally for the purposes of this Order and may in such rules —

- (a) provide for the administration by the University of any trust ;
- (b) exempt from the provisions of section 3 of the Stamp Act any instrument purporting to have been executed under the provisions of section 42 of the Constitution ; and
- (c) generally make such provisions as may be necessary by reason for the establishment of the University.

Exemption from estate duty.

9. No estate duty shall be payable in respect of the amount of any bequest to the University, and the value of the property passing on the death of a deceased shall be deemed not to include the amount of such bequest for the purpose of fixing the rate of estate duty.

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| <p>10. The University shall be deemed to be a charitable institution for the purposes of paragraph (f) of sub-section (1) of section 10 of the Income Tax Act.</p> | <p>Gifts to the University exempt from income tax.</p> |
| <p>11. (1) Notwithstanding anything to the contrary in the Societies Act, the provisions of that Act shall have effect in relation to the Universiti Brunei Darussalam Student's Association, its constituent bodies, other student bodies and the Guild of Graduates constituted in accordance with the Constitution.</p> <p>(2) The appropriate Minister may, by order published in the <i>Government Gazette</i> exempt the Universiti Brunei Darussalam Students' Association and any of its constituent bodies or any other student body or the Guild of Graduates from all or any of the provisions of the Societies Act subject to such conditions as may be specified in the order.</p> | <p>Application of Societies Act to student bodies Cap. 66.</p> |
| <p>12. Anything done or appointment made for and on behalf of the University prior to the appointed day shall, on and after the appointed day, be deemed to be made for, by or on behalf of the University established and incorporated under this Order.</p> | <p>Enforcement of acts made prior to Enactment of the Constitution.</p> |
| <p>13. The transitional provisions in the Constitution shall have effect.</p> | <p>Transitional provisions.</p> |
| <p>14. His Majesty The Sultan and Yang Di-Pertuan may amend, vary or add to the provisions of the Constitution or exempt any person or class of persons from any of such provisions.</p> | <p>Exemption variation or addition to the Constitution.</p> |

SCHEDULE

THE CONSTITUTION OF UNIVERSITI BRUNEI DARUSSALAM

- Citation. 1. This Constitution may be cited as the Constitution of Universiti Brunei Darussalam.
- Interpretation. 2. (1) In this Constitution, unless the context otherwise requires —
- “appointed day” means the date on which the Emergency (Universiti Brunei Darussalam) Order comes into force ;
- “authority” means any of the University authorities referred to in section 14 and includes any authority established by statute ;
- “Bursar” means the Bursar of the University ;
- “chair” means the post of professor ;
- “Convocation” means a Convocation held in accordance with section 52 ;
- “Council” means the Council of the University constituted in accordance with section 15 ;
- “Faculty” means a Faculty established under section 18 ;
- “Government Gazette” means the Gazette of the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam ;
- “Guild of Graduates” means the Guild constituted in accordance with section 23 ;
- “institution” means a Faculty, Centre or School or other body established under section 18 ;
- “the Order” means the Emergency (Universiti Brunei Darussalam) Order, 1988 ;
- “Principal officer” means the Chancellor, a Pro-Chancellor, the Vice-Chancellor, a Deputy Vice-Chancellor, the Dean of a Faculty, the Head of a Centre of School, the Registrar and Secretary, the Chief Librarian, the Bursar or the holder of any office which is created by statute and accorded such status ;
- “Registrar and Secretary” means the Registrar and Secretary of the University ;
- “regulation” means any regulation made in accordance with the provisions of this Constitution or any statute ;

"Senate" means the Senate of the University constituted in accordance with section 17 ;

"statute" means any statute made in accordance with this Constitution ;

"teacher" means a person appointed to be a teacher by the Council in accordance with this Constitution, and includes a professor, associate professor, senior lecturer, lecturer or assistant lecturer ;

"University" means Universiti Brunei Darussalam.

(2) References in this Constitution to a section are references to a section of this Constitution.

(3) In this Constitution or any statute, or regulations made in accordance with the provisions of this Constitution, unless the context otherwise requires, words importing the singular number only shall include the plural number and vice-versa, and words importing the masculine gender only shall include the feminine gender.

PART I

THE UNIVERSITY

3. There is hereby established, in accordance with the provisions of this Constitution, a University with the name and style of Universiti Brunei Darussalam by which name and style the Chancellor, the Pro-Chancellor, the Vice-Chancellor, and the members for the time being of the Council and the Senate are hereby constituted a body corporate with perpetual succession, and with full power and authority under such name —

Establishment
of University
as body
corporate.

- (a) to have and use a common seal and from time to time to break, change, alter and make anew such seals as it shall think fit ;
- (b) for the purposes of this Constitution and subject to the statutes and regulations, to purchase any property, movable or immovable, and to take, accept and hold any such property which may become vested in it by virtue of any such purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise ;
- (c) to sell, mortgage, lease, exchange or otherwise dispose of any such property ; and

- (d) to exercise and perform, in accordance with the provisions of this Constitution and of the statutes and regulations, all powers and duties conferred or imposed upon the University by such provisions.

Powers of
University.

4. (1) The University shall, subject to the provisions of this Constitution, have the following powers —

- (a) to provide courses of instruction, to hold examinations, to make provisions for research, and to take such other steps as may appear necessary or desirable for the advancement and dissemination of knowledge ;
- (b) to confer degrees and diplomas including external degrees and diplomas upon persons who have followed courses of study approved by the University and have satisfied such other requirements as may be prescribed by statute or regulation ;
- (c) to recognize the degrees and diplomas of other institutions of higher learning for the purpose of admission to the courses and examinations of the University and of the award of higher degrees on holders of such degrees or diplomas or on graduates of the University on such conditions as may be prescribed by statute or regulation ;
- (d) to confer degrees upon teachers of the University who have satisfied such requirements as may be prescribed by statute or regulation ;
- (e) to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service ;
- (f) to grant certificates to persons who have attained proficiency in any branch or branches of knowledge ;
- (g) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto ;
- (h) to establish a University printing press and to publish books and other matters ;
- (i) to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence and all other buildings required for the purposes of the University ;
- (j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge ;

- (k) to invest in land or securities (whether authorised as trustee investments or not) such funds as may be vested in it for the purpose of endowment, whether for general or special purposes, or such other funds as may not be immediately required for current expenditure, with power from time to time to vary any such investment and to deposit any moneys for the time being uninvested with any bank either upon fixed deposit or upon current account ;
- (l) to enter into contracts, to appoint such staff and to establish such trusts, as may be required for the purposes of the University ;
- (m) to appoint, promote and discipline officers, teachers and staff of the University ;
- (n) to regulate the conditions of service of the staff of the University, including schemes of service, salary scales, leave and discipline ;
- (o) to regulate and provide for the residence of officers, teachers, staff and students of the University and the welfare and discipline of teachers, staff and students ;
- (p) to demand and receive such fees as may from time to time be prescribed by the Council, and
- (q) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further instruction, research, finance, administration, welfare and discipline in the University.

(2) If His Majesty The Sultan and Yang Di-Pertuan is satisfied that it is necessary to confer an honorary degree upon a foreign dignitary, on the direction of His Majesty the University shall confer such degree as stated in the direction.

5. The University shall observe such instructions as His Majesty The Sultan and Yang Di-Pertuan may give with regard to the admission of students or appointment of staff of the University and such instructions may include the reservation of such number of University places or appointments as His Majesty may think fit for persons who are subjects of His Majesty under section 4 of the Brunei Nationality Act.

Admission of
students or
appointment
of staff.

6. (1) The common seal of the University shall be such seal as may be approved by the Council, and such seal may in like manner from time to time be broken, changed, altered and made anew.

The Seal of
the University.

(2) The common seal of the University shall be kept in the custody of the Bursar.

(3) The common seal of the University shall not be affixed to any instrument other than a degree diploma or certificate of the University except in the presence of the Vice-Chancellor and one other member of the Council who shall sign their names in the instrument in token of such presence ; and such signature shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the University.

(4) The seal of the University shall be officially and judicially noticed.

(5) Any document or instrument which (if executed by a person not being a body corporate) will not require to be under seal may in like manner be executed on behalf of the University by an officer or any person generally or specifically authorised for the purpose by the Council.

PART II

THE PRINCIPAL OFFICERS OF THE UNIVERSITY

The
Chancellor.

7. (1) There shall be a Chancellor who shall be His Majesty The Sultan and Yang Di-Pertuan.

(2) The Chancellor shall be the Head of the University and shall have the following functions —

(a) to preside when present at meetings of the Council and any Convocation of the University ;

(b) to receive an annual report on the University from the Vice-Chancellor ;

(c) to receive such special reports as the Council may submit ;
and

(d) to exercise such powers and duties as may be conferred upon him by this Constitution or any statute or regulation.

The Pro-
Chancellor.

8. (1) The Chancellor may appoint such persons to be Pro-Chancellors as he may consider proper.

(2) If for any reason the Chancellor is unable to exercise any of his functions under this Constitution or any statute or regulations, he may authorise any of the Pro-Chancellors to exercise such functions on his behalf.

(3) Every Pro-Chancellor shall hold office during the pleasure of the Chancellor.

9. (1) There shall be a Vice-Chancellor who shall be appointed by His Majesty The Sultan and Yang Di-Pertuan. The Vice-Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University.

(3) It shall be the duty of the Vice-Chancellor :

(a) to see that the provisions of this Constitution and the statutes and regulations are observed, and he shall have all such powers as may be necessary for this purpose and, in particular, to ensure that every authority or committee keeps within its powers or terms of reference ; and

(b) to exercise, subject to the provisions of this Constitution, general supervision over the arrangements for instruction, research, finance, administration, welfare and discipline in the University, and to exercise such other powers as may be conferred upon him by this Constitution and any statute or regulation.

(4) The term of office and other conditions of service of the Vice-Chancellor shall be determined by His Majesty The Sultan and Yang Di-Pertuan, after consultation with the Council, and shall be binding on the University.

(5) Subject to the provisions of this Constitution or any statute or regulations, the Vice-Chancellor shall be ex-officio chairman of every authority of the University.

10. (1) There shall be at least one Deputy Vice-Chancellor appointed by His Majesty The Sultan and Yang Di-Pertuan, and any fit and proper person may be so appointed either from within or without the University ; the term of office and other conditions of service of a Deputy Vice-Chancellor shall be determined by His Majesty The Sultan and Yang Di-Pertuan, after consultation with the Council and shall be binding on the University. Deputy Vice-Chancellor.

(2) The duties of a Deputy Vice-Chancellor shall be prescribed by the Vice-Chancellor or by this Constitution or any statute or regulations.

(3) If for any substantial period the Vice-Chancellor is unable by reason of illness, leave of absence or any other cause to exercise any of the functions of his office, the following arrangements shall apply :

- (a) where the Vice-Chancellor has been appointed in an ex-officio capacity, the person acting or discharging the functions of that ex-officio capacity shall be deemed to be acting as Vice-Chancellor ;
- (b) where the Vice-Chancellor has been appointed by name, the Deputy Vice-Chancellor or, if there is more than one Deputy Vice-Chancellor, such one of them as may be named by the Vice-Chancellor shall exercise such functions ; and in the event of the absence or disability of the Deputy Vice-Chancellor or all the Deputy Vice-Chancellors (if there be more than one) His Majesty The Sultan and Yang Di-Pertuan shall, after consultation with the Vice-Chancellor or the Council if such consultation cannot be held with the Vice-Chancellor for whatever cause, make such temporary arrangements as His Majesty may think fit for the exercise of the functions of the Vice-Chancellor.

Registrar and Secretary, Chief Librarian, and Bursar.

11. There shall be a Registrar and Secretary, a Chief Librarian and a Bursar, who shall be whole-time principal officers of the University appointed by the Council and who shall have such powers and duties as may be prescribed by statute.

Dean of a Faculty and Head of a Centre or School.

12. For the purpose of this Constitution, the Dean of a Faculty or the Head of a Centre or School shall be deemed to be a principal officer of the University.

Other principal officers.

13. The University may appoint such other principal officers as may be prescribed by statute.

PART III

THE UNIVERSITY AUTHORITIES

The authorities.

14. (1) The authorities of the University shall be the Council, the Senate, the Board of an Institution, the Boards of Selection, the Board of Student Welfare, and such other bodies as may be prescribed by statute as authorities of the University.

(2) Subject to the provisions of this Constitution, the composition, powers and procedure of the authorities shall be prescribed by statute.

The Council.

15. (1) The Council shall consist of :

- (a) the Vice-Chancellor, who shall be Chairman ;
- (b) three persons appointed by His Majesty The Sultan and Yang Di-Pertuan on the advice of the Vice-Chancellor ;

- (c) one person elected by the Senate from among its members other than the Vice-Chancellor or the Deputy Vice-Chancellors ;
- (d) the Permanent Secretary, Ministry of Finance (or his representative) ;
- (e) the Permanent Secretary, Ministry of Education (or his representative) ;
- (f) the Permanent Secretary, Ministry of Development (or his representative) ;
- (g) the Permanent Secretary, Ministry of Religious Affairs (or his representative) ;
- (h) the Attorney-General (or his representative) ;
- (i) the Director of Establishment (or his representative) ; and
- (j) one representative of the Guild of Graduates of Universiti Brunei Darussalam elected from among its members provided that such representative is not a full-time staff member of the University.

(2) The Registrar and Secretary shall be Secretary to the Council.

(3) The Chairman of the Council shall appoint a Deputy Chairman of the Council from among the members of the Council other than the representative of the Senate, and during any absence of the Chairman from any sitting the Deputy Chairman shall preside over the sitting, and, if the Deputy Chairman is also absent, such other member as may be elected by the members present shall sit as Chairman of the Council.

(4) The Deputy Chairman shall vacate his office on ceasing to be a member of the Council.

(5) The Deputy Vice-Chancellor may attend meetings of the Council but shall have no vote.

16. The Council shall be the executive body of the University and may exercise all the powers conferred on the University, save in so far as they are by this Constitution or the statutes and regulations conferred on some other authority or body or on some other officer of the University.

Powers of the Council.

Provided that —

- (a) no resolution shall be passed by the Council relating to any matter within the powers of the Senate unless the Senate has first been given the opportunity of recording and transmitting to the Council its opinion thereon ; and

- (b) no member of the Council who is a member of the teaching staff (other than a principal officer) shall take part in the proceedings of the Council when it is holding discussions or making decisions on the appointment, promotion and other matters relating to the service of any member of the teaching staff.

The Senate. 17. (1) The Senate shall consist of :

- (a) the Vice-Chancellor, who shall be Chairman ;
- (b) the Deputy Vice-Chancellor ;
- (c) the heads of institutions ;
- (d) the heads of teaching departments ;
- (e) the professors of the University but not including visiting professors ; and
- (f) such other persons as may be prescribed by statute.

(2) The Vice-Chancellor may appoint a Deputy Vice-Chancellor to deputise for him as Chairman at any meeting of the Senate if the Vice-Chancellor is unable to attend the meeting.

(3) The Registrar and Secretary shall be Secretary to the Senate.

(4) The Senate shall be the academic body of the University and, subject to the provisions of this Constitution, the statutes and regulations, shall have the control and general direction of instruction, research and examination, and the award of degrees, diplomas and certificates.

(5) In the performance of its duties, functions and responsibilities, the Senate may delegate any of its duties, functions and responsibilities to its members or a committee consisting of its members.

The Faculties,
Centres and
Schools.

18. (1) The University shall be divided into such number and names of Faculties, Centres and Schools as may be prescribed by statute.

(2) The Board of a Faculty, Centre or School shall be responsible to the Senate for the organisation of instruction in the subject of study within the purview of the Faculty, Centre or School, as the case may be, and may exercise such other functions as may be conferred on it by statute or regulation.

(3) The composition of the Board of a Faculty, Centre or School shall be as prescribed by statute.

19. (1) Subject to any statute the Council shall, on the advice of the Vice-Chancellor, appoint —

Appointment of heads and deputy heads of institutions and heads of teaching departments.

- (a) a Dean in respect of each Faculty and, where necessary, at least one Deputy Dean ;
- (b) a head in respect of a Centre or School and, where necessary, at least one deputy head, who shall be styled by such title as may be prescribed by statute or regulation ; and
- (c) a head in respect of each teaching department where such teaching departments are established in a Faculty, Centre or School.

(2) The Dean of a Faculty or head of a Centre or School shall be chairman of the Board of the Faculty, Centre or School, as the case may be.

(3) The Dean of a Faculty or head of a Centre or School or head of teaching department shall be responsible for the organisation of instruction of courses or subjects falling under the purview of the Faculty, Centre, School or teaching department, as the case may be, and shall exercise such other functions as may be vested upon him by statute or regulation or as may be directed by the Vice-Chancellor.

(4) In the absence of the Dean of a Faculty or head of a Centre or School, on leave or for any other reason, it shall be lawful for the Deputy Dean or deputy head or, if there is more than one Deputy Dean or deputy head, such one of them as may be named by the Vice-Chancellor, to exercise any of the functions of the Dean of the Faculty or head of the Centre or School, as the case may be.

(5) The Dean or Deputy Dean of a Faculty or head or deputy head of a Centre or School or the head of a teaching department appointed under sub-section (1), as the case may be, shall be appointed for a period not exceeding two years but shall be eligible for re-appointment.

(6) Notwithstanding the provisions of sub-section (5), the Council may, on the advice of the Vice-Chancellor, revoke any appointment made under this section without assigning any reason.

(7) Notwithstanding the other provisions of this section, the Vice-Chancellor may, pending any appointment to be made by the Council under sub-section (1), appoint any person to exercise the functions of the Dean or Deputy Dean of a Faculty or head or deputy head of a Centre or School or head of a teaching department, as the case may be.

20. (1) A Board of Selection for teachers shall, subject to any statute, consist of —

Boards of Selection for teachers.

- (a) the Vice-Chancellor, who shall be Chairman ;
- (b) one member of the Council appointed by the Council ;
- (c) the Dean of the Faculty or head of the Centre or School concerned ; and
- (d) one member of the Senate appointed by the Senate.

(2) Notwithstanding the provisions of sub-section (1), the Vice-Chancellor may appoint the Deputy Vice-Chancellor to deputies for him as Chairman at any meeting of a Board of Selection which has been convened to fill an appointment other than that to a chair.

(3) The association of external experts with the making of appointment may be prescribed by statute.

Boards of
Selection for
other
appointments.

21. The composition of Boards of Selection for appointments other than teachers shall be as prescribed by statute.

The Board of
Student
Welfare.

22. (1) There shall be established a Board of Student Welfare which shall consist of the Deputy Vice-Chancellor or, if there is more than one Deputy Vice-Chancellor, such one of them as may be named by the Vice-Chancellor as Chairman and such other persons as may be appointed by the Vice-Chancellor.

(2) The Board of Student Welfare shall have such powers as may be prescribed by Statute.

Guild of
Graduates.

23. (1) Subject to the approval of the Council, it shall be lawful for not less than thirty graduates of the University to form and establish an association to be known as the Guild of Graduates.

(2) The Guild of Graduates shall be governed and administered in accordance with its constitution and rules made by it and no such constitution and rules so made or any amendments thereto shall come into force unless and until approval thereof shall have first been obtained from the Council.

Term of office
of members of
authorities.

24. (1) Except as may be prescribed by this Constitution or by any statute, the term of office of a person elected or appointed to be a member of an authority, otherwise than *ex-officio*, shall be three years :

Provided that :

- (a) where the person is elected or appointed because he holds an office or is a member of some other authority or body,

he shall cease to be a member of the authority if before the expiry of his term of office he ceases to hold such office or to be a member of such authority or body ;

(b) where the person is appointed by His Majesty The Sultan and Yang Di-Pertuan to be a member of any authority, His Majesty may, if he deems fit, revoke the appointment at any time during the term of such appointment ; and

(c) a person who retires at the end of his term of office shall be eligible for re-election or reappointment if he is otherwise qualified.

(2) When a person is a member of an authority *ex-officio*, a person appointed to act for him shall be a member of the authority *ex-officio* so long as he is so acting and is otherwise qualified.

(3) The decision of an authority shall be valid notwithstanding any vacancy among its members.

25. (1) Subject to the provisions of this Constitution and to any statute or regulations, a question at any meeting of any authority shall be decided by a majority of the votes of the members present.

Majority
decision and
Quorum of
meetings.

(2) The Chairman and every member shall have and may exercise one vote each, but in the event of an equality of votes, the Chairman shall have and may exercise a second or casting vote.

(3) The quorum for meetings of any authority shall be as prescribed by statute or regulations or in the Standing Orders of the authority.

PART IV

STATUTES AND REGULATIONS

26. (1) Subject to the provisions of this Constitution, the Chancellor may from time to time make such statute of the University as may be necessary or expedient for the administration of the affairs or for carrying out the functions of the University.

Statutes.

(2) Without prejudice to the generality of sub-section (1), statutes may be made to prescribe or provide for all or any of the following matters —

(a) the powers and duties of the officers of the University ;

(b) the methods of appointment and the conditions of service of the officers and teachers of the University ;

- (c) the determination of degrees, diplomas and other academic distinctions to be conferred by the University ;
- (d) the management of the library and research institutes ;
- (e) all other matters which under this Constitution may be regulated by statute ;
- (f) the composition, powers, duties and procedure of the authorities of the University ;
- (g) matters incidental to or consequential upon any of the matters aforesaid ; and
- (h) all the matters within the powers of the University and not otherwise provided for by this part of this Constitution.

Procedure on making, amending or revoking statutes.

27. (1) The proposal for the making of any statute or the revocation or amendment of any statute, shall be prepared by the Council.

(2) A proposal for a new statute, or of any amendment to a statute, dealing with any of the following matters, that is to say —

- (a) the composition, powers, duties and procedures of the Senate, the Board of a Faculty, the Board of a Centre or School, or the Board of Student Welfare ;
- (b) the determination of degrees, diplomas and other academic distinctions to be conferred by the University ;
- (c) the conditions of residence and the welfare of students ;
- (d) the management of the library ; and
- (e) all other matters within the jurisdiction of the Senate under this Constitution or any statute ;

shall not be submitted to the Chancellor until it has been referred to the Senate and the Senate has reported to the Council its observations thereon.

Regulations.

28. Subject to the provisions of this Constitution and the statutes, regulations may be made for all or any of the following matters —

- (a) the principles governing the award of degrees, diplomas and other academic distinctions.
- (b) the number and scope of examinations ;

- (c) the appointment, powers and duties of examiners and the conduct of examinations ;
- (d) the admission of students to the examinations and the degree and diploma courses of the University ;
- (e) the conditions of residence and the welfare of students ;
- (f) the fees to be charged for courses of study, residence, admission to examination, degrees and diplomas and any other fees that may be levied by the University ;
- (g) the management of lecture halls and laboratories ;
- (h) the composition, powers and duties of any Board, committee or other body not specifically provided for in this Constitution or by statute ;
- (i) all matters which by this Constitution or any statute may be prescribed by regulations ; and
- (j) all matters within the powers of the University and not otherwise provided for by this Part of this Constitution.

29. (1) The Council may, subject to the provisions of this Section, make, amend or revoke any regulations.

Procedure on making, amending or revoking regulations.

(2) The draft of any regulations dealing with any matter within the jurisdiction of the Senate shall be proposed by the Senate ; and the Council may approve the draft or refer it back to the Senate with observations or proposals for amendment.

30. (1) The Council and the Senate may each make regulations for its own procedure.

Regulations for procedure of the Council and Senate.

(2) The Council may make regulations for the procedure of Boards of Selection.

(3) The Senate may make regulations for the procedure of the Board of a Faculty, Centre or School or of any other board or committee subject to the jurisdiction of the Senate.

(4) The Senate may make regulations prescribing courses of study or syllabi or examinations.

(5) Regulations may be made by an authority if it is so empowered by this Constitution or any statute.

Disciplinary Provisions. 31. Notwithstanding the provisions of regulations 26, 28 and 30, statutes or regulations may be made to provide for the discipline of staff and students of the University.

Publication of statutes and regulations. 32. (1) When any new statute or regulation is made, amended or revoked every such statute or regulation, amendment or revocation shall be published in the *Government Gazette* and in such other manner as the Council may direct.

(2) The statutes and regulations of the University as amended from time to time shall be published in book form at such intervals as the Council may direct, and copies shall be made available for purchase at a reasonable price by members of the public.

(3) Nothing in this section shall apply to —

(a) any regulation containing only instructions to examiners or invigilators or details concerning courses of study or syllabi or examinations ;

(b) any regulation which the Council resolves not to publish.

Constitution, inconsistencies between statutes, etc. 33. In the event of —

(a) any statute being inconsistent with the provisions of this Constitution ; or

(b) any regulation being inconsistent with the provisions of this Constitution or any statute ;

then the provisions of the Constitution or statute, as the case may be, shall prevail, and such statute or regulation, as the case may be, shall to the extent of the inconsistency be void.

PART V

FINANCIAL PROVISIONS

Standing Finance Committee. 34. The Council shall appoint a Standing Finance Committee for regulating and controlling the finances of the University.

Preparation of Estimates and Financial Year. 35. (1) It shall be the duty of the Bursar to prepare, in consultation with the Registrar and Secretary, the estimates of income and expenditure of the University for each financial year for the consideration of the Vice-Chancellor and submission to the Finance committee.

(2) For the purposes of this Part of this Constitution, the financial year shall be the calendar year or such other period as the Council may determine.

(3) The accounts of the University shall, as soon as may be, be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared in such form and with such information as the council may direct from time to time.

36. (1) The detailed estimates of income and expenditure of the University for any financial year approved by the Council shall be submitted prior to the beginning of the financial year to the Minister of Finance for presentation to His Majesty The Sultan and Yang Di-Pertuan for the approval of His Majesty.

Annual
Estimates.

(2) A copy of the draft estimates prepared by the Standing Finance Committee for submission to the Council shall be delivered to each member of the Council not less than seven days before the date fixed for the meeting of the Council convened for the purpose of approving such estimates.

(3) The Council may in its discretion approve, modify or reject all or any of the items appearing in such draft estimates or refer any item back to the Standing Finance Committee for its consideration or add any item thereto.

37. The Council may from time to time approve supplementary estimates as may be required for any financial year for presentation to His Majesty The Sultan and Yang Di-Pertuan, through the Minister of Finance, for the approval of His Majesty, showing the sources, if any, from which any part of the supplementary estimates may be met.

Supple-
mentary
Estimates.

38. (1) The Council shall not incur any expenditure which has not been included in any approved estimates provided that, subject to the provisions of this Constitution, the Council may transfer all or any part of the moneys assigned —

No
expenditure to
be incurred
unless
included in
the Estimates.

- (a) to one item of annually recurrent expenditure to another item of annually recurrent expenditure ;
- (b) to one item of capital expenditure to another item of capital expenditure.

(2) The provisions of sub-section (1) shall not apply to —

- (a) moneys deposited with the University by any person, wherever by the conditions of such deposit any such sum has become repayable ;
- (b) moneys collected and credited to the Funds of the University in error ;
- (c) moneys payable by the University under any judgement or order of court ;

(d) moneys expended by the University in instituting or defending legal proceedings ; and

(e) expenditure arising out of any property or moneys referred to in section 40.

Form of Estimates. 39. The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Power of the Council to accept gifts. 40. (1) The Council may on behalf of the University accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of the finances of the University on such conditions as it may determine.

(2) The Bursar shall keep and maintain registers of all donations to the University including the names of donors and any special conditions on which any donation may have been given.

Property given for specific purposes to be separately accounted for. 41. All property, moneys or funds given for any specific purposes shall be applied and administered in accordance with the purposes for which they may have been given and shall be separately accounted for.

Form of contracts. 42. Any contract involving the expenditure by the University of more than five hundred dollars shall be in writing, signed on behalf of the University by a person acting under the expressed or implied authority of the University ;

Provided that any contract (other than a contract referred to in subsection (2) of section 54) involving expenditure by the University of more than ten thousand dollars, and any contract which if made between private persons would be required by law to be under seal shall be executed by affixing thereto the common seal of the University.

Dividends prohibited. 43. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the University to or among any of its members except by way of prize, reward or special grant or as part of the terms and conditions of service of staff of the University.

Audit. 44. (1) The accounts of the University shall be audited annually by auditors appointed by the Council.

(2) The audited accounts, with any observation made thereon by the auditors, shall be presented to the Minister of Finance.

PART VI

STUDENTS OF THE UNIVERSITY

Admission of students. 45. A student shall not be admitted to any course of study in the University unless he has satisfied the entry requirements prescribed for the course of study.

46. (1) The registered students of the University, other than external students or non-graduating students or postgraduate diploma students or higher degree students, shall constitute a body to be known as Universiti Brunei Darussalam Students' Association (hereinafter in this Constitution referred to as "the Students' Association").

Students' Association and Students' Representative Council.

(2) The Students' Association, its constituent bodies and student bodies shall be governed and administered in accordance with the provisions prescribed by statute or regulations or their respective constitution provided that no such constitution or amendment thereof shall come into force unless and until approved by the Council.

(3) The Council may impose and collect from the registered students and any other class of students such fees as the Vice-Chancellor may determine for the benefit of the Students' Association and its constituent bodies, and the fees may be applied in such manner as the Council thinks fit for the purpose of the Students' Association and its constituent bodies.

(4) For the purpose of this section "registered student" means a student who is following a full-time course leading to a first degree or a diploma, not being a postgraduate diploma, or a certificate of the University provided that a student shall cease to be a registered student for the purpose of this section if he has passed the final examination of his course for graduation unless the Vice-Chancellor authorises in writing that such student, if he is a member of the Students' Representative Council (hereinafter referred to as the "SRC"), may continue to be a registered student within the meaning of this section until the election of a new SRC in the following academic year or for such lesser period as the Vice-Chancellor may determine.

47. (1) Notwithstanding section 46, it shall be lawful for not less than ten registered students of the University, with the prior approval of the Council and subject to such terms and conditions as the Council may specify, to establish a student body consisting of students of the University for the promotion of a specific object or interest within the University.

Establishment of other student bodies.

(2) The Council may, on the advice of the Vice-Chancellor, require any such student body established under this section to be affiliated to the Students' Association subject to such terms and conditions as the Council may specify.

48. If a student of the University conducts himself in a manner which, in the opinion of the Vice-Chancellor, is detrimental or prejudicial to the well-being or reputation of the University or acts in contravention of the constitution or any statute or regulation of the University, the student shall be liable to such disciplinary punishment as may be determined by the Vice-Chancellor or under the disciplinary regulations of the University.

Acts by students against the constitution statute, or regulation of the University.

Acts by student bodies ultra vires their own constitution, and the Constitution, statute, or regulation of the University.

49. If the Students' Association or the SRC or a student body established under section 47 conducts itself in a manner which, in the opinion of the Vice-Chancellor, is detrimental or prejudicial to the well-being or reputation of the University or acts in contravention of the constitution of the University or its own constitution or any statute or regulation of the University, the Vice-Chancellor may suspend and the Council may, on the advice of the Vice-Chancellor, dissolve the Students' Association or the SRC or the student body, as the case may be ; and every office-bearer of the SRC or the said student body, as the case may be, shall be liable to such disciplinary punishment as the Council may determine or under the disciplinary regulations of the University.

Suspension and expulsion of a student charged with a criminal offence or against whom a criminal offence is proved.

50. (1) Where a student of the University is charged with a criminal offence, he shall immediately thereupon be suspended from being a student of the University.

(2) Where a court finds that a charge for a criminal offence is proved against a student of the University, the student shall immediately thereupon cease to be a student of the University.

(3) The Vice-Chancellor may in his absolute discretion, at any time and in any particular case, exempt a student from the application of the provisions of sub-section (1) or (2), as the case may be, either unconditionally or upon such terms and conditions or for such period as the Vice-Chancellor deems fit.

Disciplinary authority in respect of students.

51. (1) The disciplinary authority of the University in respect of every student of the University shall be the Deputy Vice-Chancellor or, if there are more than one Deputy Vice-Chancellor, such one of them as may be named by the Vice-Chancellor.

(2) The Deputy Vice-Chancellor, who is the disciplinary authority under sub-section (1), may delegate any of his disciplinary functions, powers or duties to a board of members of the staff or officers of the University or to any member of the staff or officer of the University provided that the Deputy Vice-Chancellor shall have the power to review, rescind or vary any decision or finding of such board or staff member or officer of the University delegated with such disciplinary functions, powers or duties.

PART VII

GENERAL PROVISIONS

Convocation.

52. (1) A Convocation for the conferment of degrees shall be held annually, or as often as the Chancellor may direct, on such date as may be approved by the Chancellor.

(2) In the absence of the Chancellor or of a Pro-Chancellor who is authorised for this purpose by the Chancellor, the Vice-Chancellor shall preside over a Convocation.

(3) The Procedure of Convocation shall be prescribed by statute.

53. (1) Subject to sub-section (4), the disciplinary authority of the University in respect of every member of the staff of the University shall be the Disciplinary Committee of the University which shall consist of :

Disciplinary provisions and disciplinary authority in respect of staff of the University.

(a) two members of the Council elected by the Council, one of whom shall be appointed by the Council as Chairman ; and

(b) the Vice-Chancellor.

(2) In the exercise of its disciplinary functions, the Disciplinary Committee shall have the power to take such disciplinary action and impose such disciplinary punishment as may be provided for under any statute or regulations.

(3) The Disciplinary Committee may delegate any of its disciplinary functions, powers or duties to any member of the staff or officers of the University or any board of members of staff or officers of the University, in respect of any particular member of the staff or officer of the University or in respect of any class or category of members of the staff or officers of the University provided that :

(a) the member of the staff or officer of the University or the board delegated with such functions, powers or duties shall carry out, exercise and discharge the functions, powers or duties under the direction and control of the Disciplinary Committee which shall have the power to review rescind or vary any decision or finding of such member of the staff or officer or such board ; and

(b) no delegation shall be made under this sub-section as to enable a member of the staff or officer of the University to exercise any disciplinary authority or to be a member of a board which may exercise any disciplinary authority over a member of the staff or officer who is superior to him in rank.

(4) The Disciplinary Committee shall have no jurisdiction in respect of the Chancellor, the Pro-Chancellor or the Vice-Chancellor.

(5) Any member of the staff of the University who is dissatisfied with the decision of the disciplinary authority mentioned in this section may appeal against such decision to the University Council which may give such decision thereon as it deems fit and proper.

Appointments
of teachers
and employees

54. (1) All persons employed or to be employed by the University other than those mentioned in sections 9 and 10 shall, subject to the provisions of this Constitution, be appointed by the Council.

(2) Every person employed by the University shall, subject to the provisions of this Constitution or any statute or regulations, hold office on such terms and conditions as may be prescribed by the Council and the terms and conditions to be so prescribed shall be deemed to include a provision —

- (a) in relation to teaching, examining, invigilating and other similar duties, that his employment is subject to the provisions of this Constitution and to the provisions of all statutes and regulations as from time to time amended ; and
- (b) in relation to all other terms and conditions of service that his employment is subject to the provisions of this Constitution and to the provisions of all statutes and regulations in force on the date of the commencement of his employment.

(3) Nothing in this section shall prevent the Council from entering into a special contractual arrangement with a person to be so employed by the University if it is in the opinion of the Council expedient so to do.

All
appointments
to be subject
to the Order
and any
subsidiary
legislation
thereunder.

55. Notwithstanding the provisions of section 54 or any other provisions of this Constitution, every person employed by the University shall hold office subject to the provisions of the Order and any subsidiary legislation made thereunder and the terms and conditions of their employment or appointments shall be deemed to include a provision to this effect.

Powers of
delegation.

56. (1) Where by the provisions of this Constitution or any statute or regulation any officer or body is empowered to exercise any power or perform any duty, such officer or body may be instrument in writing subject to the provisions of this section and to such conditions and restrictions as may be prescribed in such instrument, delegate the exercise of such powers or the performance of such duties to any body or to any committee or to any person described therein by name or office.

(2) A delegation under this section may be revoked at any time by the officer or body making such delegation.

(3) No delegation of any power or duty under this section shall affect the exercise of such power or the performance of such duty by the officer or body making such delegation.

(4) Nothing in this section shall apply to any power to make or approve statutes or regulations.

57. If any member of an authority, or any graduate of the University, or any person who has received a diploma or other academic distinction from the University, is convicted by a court of law of any heinous offence whether within or without Brunei Darussalam, or is in the opinion of the Council guilty of scandalous conduct, it shall be lawful for the Chancellor, on the recommendation of not less than two-thirds of all the members of the Council —

Deprivation of degree, etc. on grounds of misconduct.

(a) to remove him from membership of the authority ; or

(b) to deprive him of any degree, diploma or other academic distinction conferred upon him by the University.

58. If any question arises whether any person has been duly elected, appointed, nominated or co-opted to membership or is entitled to be or to remain a member of any authority or other body in the University, the question shall be referred to the Chancellor, whose decision thereon shall be final.

Disputes as to elections determined by the Chancellor.

PART VIII

TRANSITIONAL PROVISIONS

59. Notwithstanding the provisions of sub-section (1) of section 9, the person holding the office of Vice-Chancellor of the University immediately before the appointed day, shall continue to be the Vice-Chancellor of the University established under the Order upon the same terms and conditions as were applicable to him immediately before the appointed day and shall hold office at the pleasure of His Majesty The Sultan and Yang Di-Pertuan.

The first Vice-Chancellor

60. Notwithstanding the provisions of sub-section (1) of section 10, the person holding or acting in the office of Deputy Vice-Chancellor immediately prior to the appointed day shall be deemed as having been appointed to or acting in the post of Deputy Vice-Chancellor of the University established under the Order, as the case may be, upon the same terms and conditions as were applicable to the holder immediately before the appointed day, and shall hold office at the pleasure of His Majesty The Sultan and Yang Di-Pertuan.

Existing holder of post of Deputy Vice-Chancellor.

61. Notwithstanding the provisions of section 11, the person holding the office of Registrar-cum-Bursar, or Chief Librarian or Bursar immediately before the appointed day shall be deemed as having been appointed to the post of Registrar and Secretary or Chief Librarian or Bursar respectively under this Constitution upon the same terms and conditions as were applicable to him immediately before the appointed day.

Existing holder of post of Registrar-cum-Bursar, Chief Librarian or Bursar.

Existing Deans of Faculties.	62. Notwithstanding the provisions of sub-section (1) of section 19, a person who has been appointed as the Dean of a Faculty immediately before the appointed day shall be deemed to have been appointed under this Constitution and shall continue to hold such office for a period not exceeding two years from the date of his appointment as Dean unless he shall by writing, earlier resign his office or is removed earlier from such office by the Council of the Board of Management referred to in sub-section (1) of section 67.
Succession to property, etc.	63. (1) Subject to the provisions of this section and to any direction of the Council, all property and assets vested in the University or any other person on its behalf immediately before the appointed day shall on that day vest in the University established under this Constitution. (2) Any land which immediately before the appointed day was vested in the University shall on that day vest in the University established under this Constitution.
Continuance of agreements of service, etc.	64. Subject to the provisions of this Constitution, all persons who immediately before the appointed day were employed by or on behalf of the University shall on that day be deemed to be employed by the University established under the Order and this Constitution upon the same terms and conditions as were applicable to them before that day.
Transitional provision relating to University seal.	65. (1) Until a seal is provided pursuant to the provisions of section 6, a stamp bearing the inscription "Universiti Brunei Darussalam" may be used and shall be deemed for the purposes of such section to be the common seal of the University. (2) Notwithstanding the provisions of sub-section (3) of section 6, until the Council is constituted in accordance with section 15 the signature of only the Vice-Chancellor on any instrument bearing the seal referred to in sub-section (1) shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the University.
Transitional provision relating to the Students' Association and the Students' Representative Council.	66. Notwithstanding the provisions of section 46, the Students' Association and the Students' Representative Council existing in the University immediately prior to the appointed day shall be deemed to be the Students' Association and the Students' Representative Council of the University constituted under this Constitution.
Transitional provisions relating to the Council and Senate.	67. (1) Notwithstanding the provisions of sub-section (1) of sections 15 and 17 in respect of the Council and the Senate, the following transitional provisions shall apply until such time as the Council and the Senate are duly constituted under this Constitution, that is to say —

- (a) the functions and powers of the Council shall be exercised by a Board of Management consisting of :
 - (i) the Vice Chancellor as Chairman ;
 - (ii) the Deputy Minister of Education as the Deputy Chairman ;
 - (iii) the Attorney General (or his representative) ;
 - (iv) the Permanent Secretary, Ministry of Education (or his representative) ;
 - (v) the Permanent Secretary, Ministry of Finance (or his representative) ;
 - (vi) The Permanent Secretary, Ministry of Development (or his representative) ;
 - (vii) the Permanent Secretary, Ministry of Religious Affairs (or his representative) ;
 - (viii) the Director of Establishment (or his representative) ;
 - (ix) one person elected by the Academic Board from among its members other than the Vice-Chancellor or the Deputy Vice-Chancellor ;
 - (x) such other persons as may be appointed by His Majesty The Sultan and Yang Di-Pertuan ; and
 - (xi) the Registrar and Secretary as Secretary.
- (b) the functions and powers of the Senate shall be exercised by an Academic Board consisting of :
 - (i) the Vice-Chancellor as Chairman ;
 - (ii) the Deputy Vice-Chancellor as Deputy Chairman,
 - (iii) the Academic Adviser of the University ;
 - (iv) the Deans ;
 - (v) the heads of the teaching departments of a Faculty ;
 - (vi) the professors of the University but not including visiting professors ;

(vii) the Chief Librarian ;

(viii) the Bursar ; and

(ix) the Registrar and Secretary as Secretary.

(2) Notwithstanding the provision of sub-section (1), the persons appointed by His Majesty The Sultan and Yang Di-Pertuan by name to be members of the Board of Management existing in the University immediately prior to the appointed day shall be deemed to have been appointed under paragraph (a)(x) of sub-section (1) as members of the Board of Management constituted under this section.

Transitional
provisions
relating to the
Faculties.

68. Notwithstanding the provisions of section 18, the Faculties existing in the University immediately prior to the appointed day shall be deemed to be the Faculties constituted under this Constitution.

Made this 25th day of April, 1988 at Our Istana Nurul Iman, Bandar Seri Begawan.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM.