

No. S 98

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

INSTITUT TEKNOLOGI BRUNEI ORDER, 2010

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SCHEDULE – INSTITUTE CONSTITUTION

CONSTITUTION OF BRUNEI DARUSSALAM

{Order made under Article 83(3)}

INSTITUT TEKNOLOGI BRUNEI ORDER, 2010

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation, commencement and long title.

1. (1) This Order may be cited as the Institut Teknologi Brunei Order, 2010 and shall commence on a date to be appointed by the Minister of Education, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification in the *Gazette*.

(2) The long title of this Order is "An Order to establish and incorporate the Institut Teknologi Brunei for the purpose of providing, promoting and developing higher education in all such branches of learning as specified in this Order and for other purposes relating thereto or connected therewith".

Interpretation.

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

"Constitution" means the Constitution of the Institute as contained in the Schedule;

"Institute" means the university known as Institut Teknologi Brunei established under section 3(1);

"Minister" means the Minister of Education.

Establishment and incorporation.

3. (1) There is hereby established a higher educational institution, having the status of a university, known by the name and style "Institut Teknologi Brunei" and by which name and style constitutes a body corporate having perpetual succession.

(2) The establishment of the Institute is for the purpose of providing, promoting and developing higher education in the fields of engineering, business information and communication technology and any other fields as may be directed by the Council as well as to provide for research and the accumulation and advancement of knowledge and the dissemination of such knowledge in the aforesaid fields of study.

(3) The site of the Institute shall be located at Institut Teknologi Brunei, Tungku Link, Gadong, BE 1410 Brunei Darussalam and this shall be its address for service for all notices and other written communications of all kinds.

(4) All notices and other written communications shall, if left at the office kept and maintained under subsection (3), be deemed as having been duly served, upon or delivered to the Institute or such officer or authority to whom they may have been addressed.

Copies of statutes etc. to be kept at Institute Office.

4. The Institute shall keep at the office mentioned in section 3(3) 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 book or copies of documents are, under this Order or 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 Institute may think fit.

Institute as a body corporate.

5. The Institute shall be a body corporate having perpetual succession and have full power and authority —

(a) to sue and be sued in its corporate name;

(b) to have and use a common seal and from time to time may break, change, alter and make anew such seal as it shall think fit;

(c) for the purposes of this Order and the Constitution and subject to the statutes, and regulations, to purchase any property 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;

(d) to sell, mortgage, lease, exchange or otherwise dispose of any such property;

(e) to convey, assign, surrender, yield up, charge, sell, mortgage, lease, exchange, demise, write-off, reassign, transfer or otherwise dispose of, or deal with, any property of any description or any interest therein vested in the Institute; and

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

Constitution of Institute.

6. (1) The Institute shall have its own Constitution to provide for matters pertaining to the purpose of its establishment and incorporation and for related matters.

(2) Subject to the provisions of this Order, the Institute shall be governed by the provisions of the Constitution.

(3) The Minister may, after consulting the Council and with the approval of His Majesty the Sultan and Yang Di-Pertuan, amend the Constitution.

(4) Regulations made under the Constitution shall not be deemed to be subsidiary legislation.

Powers and objectives of Institute.

7. (1) The powers of the Institute are as prescribed by and subject to this Order and the Institute Constitution.

(2) The objectives of the Institute are —

(a) to provide instruction and training in engineering, business information and communication technology and any other fields as may be directed by the Council;

(b) to aid by research and other means the advancement of knowledge and its practical application; and

(c) to promote the exchange of knowledge and skills with business and industry.

(3) The Institute may —

(a) provide such facilities for its students as it considers desirable;

(b) establish lectureships and other posts and offices and make appointments thereto and employ such other staff as the Institute considers necessary;

(c) fix, demand and receive fees and other charges;

(d) provide technical and consultancy services to business and industry as it considers desirable;

(e) form or participate in the formation of companies or other undertakings having such objectives as may be approved by the Council;

(f) solicit and receive donations and contributions from any source or raise funds by all lawful means;

(g) give donations and contributions to any person or organisation; and

(h) do all such things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

General powers to transact business.

8. The Institute shall, subject to the provisions of this Order, have power to do any thing, and to enter into any transaction, which in its opinion is calculated to facilitate the proper discharge of its duties or the performance of its functions or the exercise of its powers under this Order or is incidental or conducive thereto.

Rights, liabilities and obligations of Institute.

9. Subject to the provisions of this Order and the Constitution, all rights, liabilities and obligations relating to any matter which immediately before the commencement date of this Order were the responsibility of the Institut Teknologi Brunei shall on that date devolve upon the Institute.

The common seal of Institute.

10. (1) The common seal of the Institute shall be such seal as may be approved by the Chancellor on the recommendation of the Council and such seal may in like manner from time to time be broken, altered and made anew.

(2) The common seal of the Institute shall be kept in the custody of the Registrar and Secretary.

(3) The common seal of the Institute shall not be affixed to any instrument except in the presence of —

(a) the Vice-Chancellor; and

(b) one other member of the Council,

who shall sign their names to 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 Institute.

(4) Notwithstanding subsection (3) —

(a) in the case of the scroll of a degree, diploma and other higher degree, the common seal of the Institute shall be affixed; and

(b) in the case of the scroll of a certificate and other academic distinction, the common seal of the Institute shall be affixed to it in the presence of an officer authorised by the Vice-Chancellor.

(5) The common seal of the Institute shall be officially and judicially noticed.

(6) Any document or instrument which, if executed by a person not being a body corporate, will not be required to be under seal, may in like manner be executed by the Institute provided that such document or instrument shall be executed on behalf of the Institute by any officer or staff generally or specially authorised by the Council.

Council and Senate of Institute.

11. (1) The Council, subject to the provisions of this Order and the Constitution, shall be the supreme governing body of the Institute and shall administer the property and manage the affairs of the Institute.

(2) Subject to the provisions of this Order and the Constitution and to the financial control of the Council, the Senate shall have the regulation of all matters relating to education in the Institute.

(3) No act or resolution of the Council or the Senate shall be invalid by reason only of any vacancy in, or any defect in the qualification or appointment of any member of, any such body.

Faculties, Centres and Schools of the Institute.

12. (1) There shall be such numbers and names of Faculties, Centres and Schools as may be constituted by the Council on the recommendation of the Senate and prescribed by statute.

(2) The Institute may, after consultation with the Board of Studies, set up departments or other units or bodies in respect of any Faculty, Centre or School and appoint a head of department, unit or body for such Faculty, Centre or School with such powers as may be conferred by the Council.

(3) The Council may, on the recommendation of the Senate, form, dissolve or re-form such Faculties, Centres or Schools and any of their respective departments, centres, units or other sub-divisions as it may consider desirable.

(4) The Board of a Faculty, Centre or School shall be responsible to the Senate for the organisation of instruction in the programme 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.

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

Conduct of study, jointly etc. with any university etc.

13. (1) The Institute may, with prior written approval of the Minister —

(a) conduct any course of study jointly or in association, affiliation, collaboration or by way of franchise or otherwise, with any other university, university college, institute, higher educational institution or professional body or any organisation, within or outside Brunei Darussalam; and

(b) conduct any such course of study either wholly or partly within or outside Brunei Darussalam.

(2) The approval of the Minister under subsection (1) may be given subject to such conditions as the Minister may specify.

(3) The Minister shall not give approval under subsection (1) unless he is satisfied that the Institute has made all the necessary arrangements with the other university, university college, institute, higher educational institution or professional body, or organisation concerned for the conduct of the course of study.

(4) In this section, "affiliation" includes the conduct of twinning, articulation or joint award programmes.

Committees and delegation of powers.

14. (1) The Council, the Senate and the Vice-Chancellor may establish such committees as they think fit.

(2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Council or the Senate or officers of the Institute, as the case may be.

(3) Subject to the provisions of this Order and the Constitution, the Council, the Senate and the Vice-Chancellor may, with or without conditions as they think fit, delegate any of their powers and duties to any committee.

Officers and academic staff.

15. (1) The Vice-Chancellor, the Deputy Vice-Chancellor, the Assistant Vice-Chancellor and the Registrar and Secretary and other officers of the Institute shall be appointed in accordance with the Constitution.

(2) The academic staff of the Institute shall be the deans of the Faculties, lecturers and such other persons as may be designated as members of the

academic staff by the Constitution and shall be appointed by the Council on the recommendation of the Vice-Chancellor.

(3) The powers and duties of the officers and members of the academic staff, the periods and conditions for and upon which they hold office and their emoluments shall be such as are prescribed by this Order, the Constitution and the terms of their respective appointments; but the Council may assign to any officer, and in the case of any member of the academic staff on the recommendation of the Vice-Chancellor, such further powers and duties as the Council may think fit.

Examinations.

16. All examinations held and conducted by the Institute shall be conducted in such manner as may be prescribed by the Constitution and any regulations made thereunder.

Power to confer diplomas etc.

17. The Institute shall have power —

(a) to award degrees, diplomas and certificates and such other academic distinctions as may be specified in regulations made under the Constitution; and

(b) to provide such lectures and instruction for persons who are not registered students as the Institute may determine, and to award diplomas, certificates and such other academic distinctions to such persons.

Grants-in-aid.

18. (1) The Minister shall cause to be paid to the Institute such moneys as may be provided by the Ministry of Finance from time to time as grants-in-aid to the Institute.

(2) All moneys paid to the Institute under subsection (1) may be applied or expended by the Institute for the attainment of all or any of the objectives of the Institute.

Issue of shares etc.

19. As a consequence of the vesting of any property, rights or liabilities of the Government in the Institute under this Order, or of any capital injection or other investment by the Government in the Institute in accordance with any written law, the Institute shall issue such shares or other securities to the Minister of Finance as that Minister may direct.

Accounts and financial statements.

20. (1) The Council shall cause proper accounting and other records to be kept of the financial transactions of the Institute 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 Institute and over the expenditure incurred by the Institute.

(2) The Council shall, as soon as practicable after the close of each financial year, cause financial statements in respect of that year to be prepared and submitted to the auditor of the Institute.

Audit of accounts.

21. (1) The accounts of the Institute shall be audited by the Auditor General or such other auditor as may be appointed annually by the Minister after consultation with the Auditor General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Chapter 39).

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

(4) 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 Institute and may make copies of, or extracts from, any such accounting and other records.

(5) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Institute;

(b) whether proper accounting and other records have been kept, including records of all assets of the Institute whether purchased, donated or otherwise;

(c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Institute during the financial year were in accordance with the provisions of this Order; and

(d) such other matters arising from the audit as he considers necessary.

(6) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Council and shall also submit

such periodical and special reports to the Minister and to the Council as may appear to him to be necessary or as the Minister or the Council may require.

Failure to furnish information to auditor.

22. (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 or the person authorised by him considers necessary for the purposes of his functions under this Order.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under subsection (1) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers is guilty of an offence and liable on conviction to a fine not exceeding \$1,000.

Presentation of financial statements and auditor's report to Minister of Finance.

23. (1) The Council shall, as soon as the financial statements have been audited in accordance with the provisions of this Order, send to the Minister of Finance a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor General is not the auditor of the Institute, 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 Council.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to His Majesty the Sultan and Yang Di-Pertuan.

Annual report.

24. (1) The Council 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 Institute during the preceding financial year and containing such information relating to the proceedings and policy of the Institute as the Minister may, from time to time, direct.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to His Majesty the Sultan and Yang Di-Pertuan.

Acquisition of land for purposes of Institute.

25. (1) Where any immovable property, not being State land, is needed for the purposes of the Institute, His Majesty the Sultan and Yang Di-Pertuan may if His Majesty 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 Institute, 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 subsection (1) shall be paid by the Institute or from funds to be provided by the Government to the Institute for that purpose.

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

Exemption from estate duty.

26. No estate duty shall be payable in respect of the amount of any bequest to the Institute, 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.

Gifts to Institute exempt from income tax.

27. The Institute shall be deemed to be a charitable institution for the purposes of section 10(1)(f) of the Income Tax Act [Chapter 35].

Application of S 1/05 to student bodies.

28. (1) Notwithstanding anything to the contrary in the Societies Order, 2005 (S 1/2005), the provisions of that Order shall have effect in relation to the Institut Teknologi Brunei Student's Association, its constituent bodies, other student bodies and the Association of Alumni constituted in accordance with the Constitution.

(2) The Minister of Home Affairs may, by order published in the *Gazette*, exempt the Institut Teknologi Brunei Students' Association, any of its constituent bodies, any other student body or the Association of Alumni from all or any of the provisions of the Societies Order, 2005 (S 1/2005), subject to such conditions as may be specified in the order.

Enforcement of acts etc. done prior to date of commencement.

29. Anything done, any property acquired and any appointment made for, by or on behalf of the Institute prior to the date of commencement of this Order shall, on and after that date, be deemed to have been made for, by or on behalf of the Institute established by section 3.

Rules.

30. The Minister, with the approval of 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 Institute of any trust;

(b) exempt from the provisions of section 3 of the Stamp Act (Chapter 34) any instrument purporting to have been executed under the provisions of section 43 of the Constitution; and

(c) generally make such provisions as may be necessary by reason for the establishment of the Institute.

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SCHEDULE

INSTITUT TEKNOLOGI BRUNEI ORDER, 2010
(section 6)

INSTITUTE CONSTITUTION

PART I

PRELIMINARY

Citation and objective.

1. (1) This Schedule may be cited as the Constitution of Institut Teknologi Brunei made under section 6 of the Institut Teknologi Brunei Order, 2010.

(2) The objective of this Constitution is to make provision for matters pertaining to the purpose of the establishment and incorporation of Institut Teknologi Brunei and for other purposes relating thereto or connected therewith.

Interpretation.

2. (1) In this Order, unless the context otherwise requires —

"Association of Alumni" means the Association formed and established in accordance with section 23;

"authority" means any of the authorities of the Institute referred to in section 13 and includes any authority established by statute;

"Bursar" means the Bursar of the Institute;

"chair" means the post of professor;

"Chancellor" means the Chancellor of the Institute and includes any other person by whatever name called, who has been appointed as the Head of the Institute and "Pro-Chancellor" shall be construed accordingly;

"Convocation" means a convocation held in accordance with section 53;

"Council" means the Council of the Institute constituted in accordance with section 14;

"Faculty" means a Faculty established under section 17;

"institution" means a Faculty, Centre or School or other body established under section 17;

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

"Principal officer" means the Chancellor, a Pro-Chancellor, a Vice-Chancellor, a Deputy Vice-Chancellor, an Assistant Vice-Chancellor, the Dean of a Faculty, the Head of a Centre or School, the Registrar and Secretary, the Chief Librarian, the Bursar, the Head of Estate 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 Institute;

"regulation" means any regulation made in accordance with the provisions of this Constitution or any statute;

"Senate" means the Senate of the Institute constituted in accordance with section 16;

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

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

Amendment to Constitution.

3. His Majesty the Sultan and Yang Di-Pertuan may amend any provision of this Constitution or exempt any person or class of person from any of such provisions.

PART II

THE INSTITUTE

Powers of Institute.

4. (1) The Institute 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, diplomas and certificates, including external degrees and diplomas, upon persons who have followed courses of study approved by the Institute and have satisfied such other requirements as may be prescribed by statute or regulation;

(c) to recognise the degrees, diplomas and certificates of other institutions of higher learning for the purpose of admission to the courses and examinations of the Institute and of the award of higher degrees on holders of such degrees, diplomas or certificates or on graduates of the Institute on such conditions as may be prescribed by statute or regulation;

(d) to confer degrees upon lecturers of the Institute 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 the Institute 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 Institute;

(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 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 money 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 Institute;

(m) to appoint, promote and discipline officers, lecturers and staff of the Institute;

(n) to regulate the conditions of service of the staff of the Institute, including schemes of service, salary scales, leave and discipline subject to the provisions of any other written law;

(o) to regulate and provide for the residence of officers, lecturers, staff and students of the Institute and the welfare and discipline of officers, lecturers, staff and students;

(p) to demand and receive such fees as may from time to time be prescribed by the Council;

(q) to do all such acts and things, whether or not incidental to the above-mentioned powers as may be requisite in order to further instruction, research and development, finance, administration, welfare and discipline in the Institute; and

(r) to establish and manage its own funds.

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

Admission of students or appointment of staff.

5. The Institute 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 Institute and such instructions may include the reservation of such number of Institute places or appointments as His Majesty may think fit for persons who are citizens of Brunei Darussalam.

PART III

PRINCIPAL OFFICERS OF THE INSTITUTE

The Chancellor.

6. (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 Institute and shall have the following functions —

(a) to preside at meetings of the Council and any convocation of the Institute;

(b) to receive an annual report on the Institute 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.

7. (1) The Chancellor may appoint one or more persons to be Pro-Chancellors.

(2) If for any reason the Chancellor is unable to exercise any of his functions under this Constitution or any statute or regulation, 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.

The Vice-Chancellor.

8. (1) His Majesty the Sultan and Yang Di-Pertuan, shall appoint a Vice-Chancellor for the Institute.

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

(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 Institute, 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 Institute.

(5) Subject to the provision of this Constitution or any statute or regulation, the Vice-Chancellor shall be *ex-officio* chairman of every authority of the Institute.

The Deputy Vice-Chancellor.

9. (1) His Majesty the Sultan and Yang Di-Pertuan may, after consultation with the Vice-Chancellor, appoint one or more Deputy Vice-Chancellors.

(2) Any fit and proper person from within or outside the Institute may be appointed as a Deputy Vice-Chancellor, and 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 Institute.

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

(4) If the Vice-Chancellor is unable to exercise any of the functions of his office by reason of illness, leave of absence or any other cause, 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, a Deputy Vice-Chancellor, if appointed, 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) or if no Deputy Vice-Chancellor has been appointed, His Majesty the Sultan and Yang Di-Pertuan shall, after consultation with the Minister of Education, make such temporary arrangements as His Majesty may think fit for the exercise of the functions of the Vice-Chancellor.

The Assistant Vice-Chancellor.

10. The Council may appoint one or more Assistant Vice-Chancellors on such conditions of service as the Council may determine.

The Registrar and Secretary, Chief Librarian, Bursar and Head of Estate.

11. The Council shall appoint a Registrar and Secretary, a Chief Librarian, a Bursar and Head of Estate, who shall be full-time principal officers of the Institute and who shall have such powers and duties as may be prescribed by statute.

Other principal officers.

12. The Institute may appoint such other principal officers as may be prescribed by statute.

PART IV

INSTITUTE AUTHORITIES

The authorities.

13. (1) The authorities of the Institute shall be the Council, the Senate, the Board of Studies, the Board of Institution, the Board of Selection, the Board of Student Welfare, and such other bodies as may be prescribed by statute.

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

The Council.

14. (1) The Council shall consist of —

(a) a chairman, who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan;

(b) a deputy chairman who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan;

(c) the Vice-Chancellor;

(d) such numbers of persons as may be appointed by His Majesty the Sultan and Yang Di-Pertuan on the advice of the Vice-Chancellor;

(e) one person elected by the Senate from among its members other than the Vice-Chancellor or Deputy Vice-Chancellor;

(f) the Permanent Secretary of the Ministry of Finance or his representative;

(g) the Permanent Secretary of the Ministry of Education responsible for higher education or his representative;

(h) the Permanent Secretaries of such other Ministries or their respective representatives as His Majesty the Sultan and Yang Di-Pertuan may appoint, after consultation with the chairman of the Council;

(i) the Attorney General or his representative;

(j) the Director-General of the Public Service Department or his representative; and

(k) one representative of the Association of Alumni elected from among its members provided that such representative is not a full-time staff member of the Institute.

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

(3) The deputy chairman shall act as chairman of the Council in the absence of the chairman.

(4) In the absence of both the chairman and the deputy chairman at any meeting of the Council, a member of the Council elected by the members present at the meeting shall preside at the meeting.

(5) Except as may be otherwise prescribed by His Majesty the Sultan and Yang Di-Pertuan, the term of office of the chairman, the deputy chairman and the members of the Council appointed under subsection (1)(d) and (h) shall be 3 years, calculated from the date of their respective appointments.

(6) The term of office of the members of the Council elected under subsection (1)(e) and (k) shall be 2 years, calculated from the date of their respective elections.

(7) A Deputy Vice-Chancellor or Assistant Vice-Chancellor may attend meetings of the Council but shall have no vote.

Powers of the Council.

15. The Council shall be the executive body of the Institute and may exercise all the powers conferred on the Institute, 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 Institute:

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.

16. [1] The Senate shall consist of —

(a) the Vice-Chancellor, who shall be the chairman;

(b) the Deputy Vice-Chancellors, if appointed;

(c) the Assistant Vice-Chancellors;

(d) the heads of institutions;

(e) the Dean of Student Affairs;

(f) the Chief Librarian;

(g) the Deputy Deans or deputy heads of institutions;

(h) one representative of the full-time professors of each institution, not including visiting professors, elected by the professors of the institution concerned, who shall hold office for 2 years if qualified but who shall be eligible for re-appointment —

Provided that if a professor is already a member of the senate *ex-officio*, that professor shall not be eligible to take part in the election of such representative; and

(i) such other persons by name or by office as may be prescribed by statute or appointed by the Senate, after consultation with the Vice-Chancellor, to hold office for such period as the Senate may determine.

[2] The Vice-Chancellor may appoint a Deputy Vice-Chancellor or an Assistant Vice-Chancellor to deputise for him as chairman at any meeting of the Senate if he is unable to attend the meeting —

Provided that if no Deputy Vice-Chancellor or Assistant Vice-Chancellor is able to attend the meeting, then the Vice-Chancellor may appoint any member of the Senate to deputise for him as chairman.

[3] The Registrar and Secretary shall be the secretary to the Senate.

[4] The Senate shall be the academic body of the Institute 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.

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

(2) The Institute may, after consultation with the Board of Studies, set up departments, or other units or bodies in respect of any Faculty, Centre or School.

(3) 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 that 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.

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

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

18. (1) Subject to any statute, the Vice-Chancellor shall, after consultation with the Council, appoint —

(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 or programme where such teaching departments or programmes 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 or programme shall be responsible for the organisation of instruction of courses or subjects falling under the purview of the Faculty, Centre, School or teaching department or programme, 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 or programme appointed under subsection (1), as the case may be, shall be appointed for a period not exceeding 2 years but shall be eligible for re-appointment.

(6) Notwithstanding the provisions of subsection (5), the Vice-Chancellor may, after consultation with the Council, 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 subsection (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 or programme, as the case may be.

The Board of Studies.

19. The Board of Studies, consisting of a chairman and such other suitable persons within and outside the Institute, may be appointed by the Senate for the following purposes —

(a) to deal with matters pertaining to any Faculty, Centre or School;
and

(b) to consider proposals referred to it by the Senate for the establishment of a new Faculty, Centre or School.

Board of Selection for lecturers.

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

(a) the Vice-Chancellor, who shall be chairman;

(b) the chairman of the Public Service Commission or his representative;

(c) the Dean of the Faculty or head of the Centre or School concerned;

(d) one member of the Senate appointed by the Senate; and

(e) the Director-General of the Public Service Department or his representative.

(2) Notwithstanding the provisions of subsection (1), the Vice-Chancellor may authorise the Deputy Vice-Chancellor to deputise 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 lecturers shall be as prescribed by statute.

Board of Student Welfare.

22. (1) There is hereby established a Board of Student Welfare consisting of a 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.

Association of Alumni.

23. (1) Subject to the approval of the Council, it shall be lawful for not less than 30 graduates of the Institute to form and establish an association to be known as the Association of Alumni.

(2) The Association of Alumni 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 amendment 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 3 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 revoke the appointment at any time during the term of such appointment;

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

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

Meetings.

25. (1) The authorities shall meet at such time and place as their respective chairman may appoint or determine.

(2) The quorum for meetings of any authority shall be two-thirds of its members or as prescribed by statute or regulations.

(3) All meetings of any of the authorities shall be presided by its respective chairman.

(4) In the absence of the respective chairman at a meeting, the members present shall elect from amongst themselves a member to preside at that meeting.

(5) A resolution shall be taken to have been passed at a meeting of any of the authorities if —

(a) without a meeting, a majority of the members indicate agreement with the resolution in accordance with such method as may be determined by such authority; and

(b) all members were informed of the proposed resolution, or reasonable efforts had been made to inform all members of the proposed resolution.

(6) Where not less than 3 members request a chairman by notice in writing signed by them to convene a meeting of their respective authority for the purpose specified in the notice, the chairman shall, within 7 days from the receipt of the notice, convene a meeting for that purpose.

(7) Subject to the provisions of this Constitution and to any statute or regulation, a decision at a meeting of any of the authorities shall be adopted by a majority of the votes of the members present, except that in the case of an equality of votes, the chairman or member presiding shall have a casting vote in addition to his original vote.

Power to regulate proceedings.

26. (1) Subject to the provisions of this Constitution and to any statute or regulation, an authority may regulate its own proceedings generally and, in particular, regarding the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes, and the opening and closing of accounts.

(2) The validity of any proceedings of any of the authorities shall not be affected by any defect in the appointment of any member or by any contravention of any member of the provisions of or the Order, unless otherwise expressly stated.

PART V

STATUTES AND REGULATIONS

Statutes.

27. (1) Subject to the provisions of this Constitution and any other written law, the Chancellor may, from time to time, make such statute of the Institute as may be necessary or expedient for the administration of the affairs or for carrying out the functions of the Institute.

(2) Without prejudice to the generality of subsection (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 Institute;

(b) the methods of appointment and the conditions of service of the officers, lecturers and staff of the Institute subject to the provisions of any other written law;

(c) the determination of degrees, diplomas, certificates and other academic distinctions to be conferred by the Institute;

(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 procedures of the authorities of the Institute;

(g) matters incidental to or consequential upon any of the matters aforesaid; and

(h) all the matters within the powers of the Institute and not otherwise provided for by this Part of this Constitution.

Procedure on making, amending or revoking statutes.

28. (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 —

(a) the composition, powers, duties and procedures of the Senate, the Board of a Faculty, the Board of a Centre or School, the Board of Student Welfare or any other boards of institution;

(b) the determination of degrees, diplomas, and certificates and other academic distinctions to be conferred by the Institute;

(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.

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

(a) the principles governing the award of degrees, diplomas, certificates 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, diploma and certificate courses of the Institute;

(e) the conditions of residence and the welfare of students;

(f) the fees to be charged for courses or programmes of study, residence, admission to examinations leading to the award of degrees, diplomas and certificates and any other fees that may be levied by the Institute;

(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 Institute and not otherwise provided for by this Part of this Constitution.

Procedure on making, amending or revoking regulations.

30. (1) The Council may, subject to the provisions of this section, amend any regulation.

(2) The draft of any regulation 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.

Regulations for procedure of Council and Senate.

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

(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.

32. Notwithstanding the provisions of sections 27, 29 and 31, statutes or regulations may be made to provide for the discipline of staff and students of the Institute.

Publication of statutes and regulations.

33. (1) When any new statute or regulation is made or amended, every such statute, regulation or amendment shall be published in the Institute Bulletin and in such form or in any publication of the Institute as may be determined by the Vice-Chancellor.

(2) Nothing in this section applies to —

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

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

Constitution, inconsistencies between statutes etc.

34. 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 VI

FINANCIAL PROVISIONS

Standing Finance Committee.

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

Preparation of estimates and financial year.

36. (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 Institute

for each financial year for the consideration of the Vice-Chancellor and submission to the Standing 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 Institute 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.

Annual estimates.

37. (1) The detailed estimates of income and expenditure of the Institute 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.

(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 7 working 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.

Supplementary estimates.

38. The Council may 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.

No expenditure to be incurred unless included in estimate.

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

(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 subsection (1) do not apply to —

(a) moneys deposited with the Institute 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 Institute in error;

(c) moneys payable by the Institute under any judgment or order of court;

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

(e) expenditure arising out of any property or money referred to in section 41.

Forms of estimates.

40. The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Power of Council to accept gifts etc.

41. (1) The Council may on behalf of the Institute accept by way of gift, grant, *waqf*, testamentary disposition or otherwise, property and moneys in aid of the finances of the Institute on such conditions as it may determine.

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

Property given for specific purposes to be separately accounted for.

42. All property, moneys or funds given for any specific purpose 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.

43. Any contract involving the expenditure by the Institute of more than \$1,000 shall be in writing, signed on behalf of the Institute by a person acting under its expressed or implied authority —

Provided that any contract (other than a contract referred to in section 55(2)) involving expenditure by the Institute of more than \$25,000, 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 Institute.

Dividends prohibited.

44. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the Institute 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 Institute.

Audit.

45. (1) The accounts of the Institute shall be audited annually by —

(a) the Auditor General; or

(b) any person who has been authorised to perform the duties required by the Companies Act (Chapter 39) to be performed by an auditor, who shall be appointed annually by the Council —

Provided that where the accounts of the Institute have been audited by a person appointed under paragraph (b), they may be verified by the Auditor General before they are presented to the Minister of Finance pursuant to subsection (2).

(2) The audited accounts, with any observation made thereon by the auditors, shall be presented to the Minister of Finance not later than 4 months after the end of the financial year.

PART VII

STUDENTS OF INSTITUTE

Admission of students.

46. A student shall not be admitted to any course of study in the Institute unless he has satisfied the entry requirements prescribed for the course of study.

Students' Association and Students' Representative Council.

47. (1) The registered students of the Institute, other than external students and non-graduating students, shall constitute a body to be known as Institut Teknologi Brunei Students' Association, in this Part referred to as the Students' Association.

(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 degree or a diploma or a certificate 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, may continue to be a registered student within the meaning of this section until the election of a new Students' Representative Council in the following academic year or for such lesser period as the Vice-Chancellor may determine.

Establishment of other student bodies.

48. (1) Notwithstanding section 47, it shall be lawful for not less than 10 registered students of the Institute, with the prior approval of the Council and subject to such conditions as the Council may specify, to establish a student body consisting of students of the Institute for the promotion of a specific object or interest within the Institute.

(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.

Acts by students against the Constitution, statutes or regulations of Institute.

49. If a student of the Institute 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 Institute or acts in contravention of the constitution or any statute or regulation of the Institute, the student shall be liable to such disciplinary punishment as may be determined by the Vice-Chancellor or under the disciplinary regulations of the Institute.

Acts by student bodies *ultra vires* their own constitution, the Constitution, statutes or regulations of Institute.

50. If the Students' Association or the Students' Representative Council or a student body established under section 48 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 Institute or acts in contravention of the Constitution or its own constitution or any statute or regulation, the Vice-Chancellor may suspend and the Council may, on the advice of the Vice-Chancellor, dissolve the Students' Association or the Students' Representative Council or the student body, as the case may be; and every office-bearer of the Students' Representative Council 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 Institute.

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

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

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

(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 subsection (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.

52. (1) The disciplinary authority of the Institute in respect of every student of the Institute 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 or, if there is no Deputy Vice-Chancellor, such staff member or officer of the Institute as may be named by the Vice-Chancellor to be the disciplinary authority.

(2) The Deputy Vice-Chancellor may delegate any of his disciplinary functions, powers or duties to a board of members of the staff or officers of the Institute or to any member of the staff or officer of the Institute 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 Institute delegated with such disciplinary functions, powers or duties.

PART VIII

GENERAL

Convocation.

53. (1) A Convocation for the conferment of degrees, diplomas and certificates 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 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.

Disciplinary provisions and disciplinary authority in respect of staff of Institute.

54. (1) Subject to subsection (4), the disciplinary authority of the Institute in respect of every member of the staff of the Institute shall be the Disciplinary Committee of the Institute which shall consist of —

(a) 2 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 regulation.

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

(a) the member of the staff or officer of the Institute 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 subsection as to enable a member of the staff or officer of the Institute 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 Institute who is dissatisfied with the decision of the disciplinary authority mentioned in this section may appeal against such decision to the Institute Council which may give such decision thereon as it deems fit.

Appointment of lecturers and employees.

55. (1) All persons employed or to be employed by the Institute other than those mentioned in sections 7 to 10 shall, unless otherwise appointed and subject to the provisions of this Constitution, be appointed by the Council.

(2) Every person employed by the Institute shall, subject to the provisions of this Constitution or any statute or regulation, 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 Institute 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.

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

Powers of delegation.

57. (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 by 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.

Deprivation of degree etc. on ground of misconduct.

58. If any member of an authority, or any graduate of the Institute, or any person who has received a degree, diploma or certificate or other academic distinction from the Institute, is convicted by a court of law of any serious offence whether within or outside 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 —

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

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

Disputes as to elections to be determined by Chancellor.

59. 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 Institute, the question shall be referred to the Chancellor, whose decision thereon shall be final.

Made this 19th. day of Zulkaedah, 1431 Hijriah corresponding to the 27th. day of October, 2010 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM