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Act 173

UNIVERSITI TEKNOLOGI MARA ACT 1976

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LAWS OF MALAYSIA**Act 173****UNIVERSITI TEKNOLOGI MARA ACT 1976**

An Act to provide for the establishment, maintenance and administration of the Universiti Teknologi MARA and for other connected matters.

[1 June 1976, P.U. (B) 278/1976]

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

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Universiti Teknologi MARA Act 1976.

(2) This Act shall come into force on such date as the Minister may by notification in the *Gazette* appoint, such date not being earlier than the date on which the notification is published.

Establishment of Universiti is pursuant to Article 153 of the Federal Constitution

1A. The Universiti Teknologi MARA is established pursuant to and in accordance with the provisions of Article 153 of the Federal Constitution.

Interpretation

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

“alumni associations” means the alumni associations, constituted under section 16B, of the Institut Teknologi MARA and of the Universiti;

“appointed date” means the date appointed by the Minister under subsection 1(2);

“Board” means the Board of Directors of the Universiti constituted under section 13;

“Branch” means a Branch of the Universiti established under section 7;

“Bursar” means the principal financial officer of the Universiti, by whatever name called, appointed under section 22;

“campus” means the area or areas, together with all buildings or other structures thereon, which belong to or are used by, whether permanently or otherwise, the Universiti;

“Chairman” means Chairman of the Board appointed under paragraph 13(2)(a);

“Chancellor” means the Chancellor of the Universiti and includes any other person, by whatever name called, who is appointed as the Head of the Universiti, and “Pro-Chancellor” shall be construed accordingly;

“course of study” includes training programmes;

“degree” means the degree conferred on a person at a Bachelor level or a Masters level or a Doctorate level by the Universiti after his successful completion of a course of study which is designed to lead to the conferment of such degree or the equivalent thereof;

“Fund” means the Universiti Teknologi MARA Fund established under section 24;

“higher educational institution” means an educational institution—

- (a) whether or not established under any written law; or
- (b) whether within or outside Malaysia,

providing higher education leading to the conferment of a certificate, diploma, degree or the equivalent thereof;

“Minister” means the Minister responsible for *higher education;

“prescribed” means prescribed by rules made under section 35;

“Provost” means the principal executive, administrative and academic officer of a Branch, by whatever name called, appointed under section 7;

“Registrar” means the principal officer of the Registry of the Universiti, by whatever name called, appointed under section 21;

“School or Centre” means the School or Centre of the Universiti and includes a Faculty, a College, a Department or an Academy of the Universiti, and in relation to a Branch, includes any part of the School, Centre, Faculty, College, Department or Academy designated to such Branch;

“Senate” means the Senate of the Universiti constituted under section 16A;

“staff” means—

- (a) any officer or servant of the Universiti;
- (b) any person appointed to be a lecturer by the Board, and includes a senior professor, professor, associate professor, assistant professor, reader, senior lecturer, assistant lecturer, and tutor; or
- (c) any person employed by the Board;

“student” means a registered student of the Universiti who is following a course of study of any description from or by or in the Universiti;

*NOTE—See the Ministers of the Federal Government (No. 3) Order 2021 [*P.U. (A) 383/2021*].

“Students’ Representative Committee” or “SRC” means the Students’ Representative Committee established under section 23c;

“Universiti” means the Universiti Teknologi MARA established under section 3 and includes a Branch;

“University” or “University College” means—

- (a) a University or University College established under the Universities and University Colleges Act 1971 [*Act 30*];
- (b) a University or University College established under the Private Higher Educational Institutions Act 1996 [*Act 555*]; or
- (c) other Universities or University Colleges—
 - (i) whether or not established under written law; or
 - (ii) whether within or outside Malaysia;

“Vice-Chancellor” means the Vice-Chancellor of the Universiti appointed under section 20 and includes any other person, by whatever name called, who has been appointed as the chief executive officer of the Universiti, and “Deputy Vice-Chancellor” shall be construed accordingly.

PART II

ESTABLISHMENT OF THE UNIVERSITI

Establishment of the university as body corporate

3. There is hereby established a Universiti with the name and style of Universiti Teknologi MARA, by which name and style the Chancellor, the Pro-Chancellors, the Vice-Chancellor and the members for the time being of the Board of Directors and the Senate are hereby constituted a body corporate with perpetual succession, and with full power and authority under such name—

- (a) to sue and be sued;

- (b) to have and use a common seal and from time to time to break, change, alter or make anew such seal as it shall deem fit;
- (c) for the purposes of the Universiti as provided in this Act, to enter into contracts, to acquire, take, hold and enjoy movable and immovable property of every description, including any such property which may become vested in it by purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise;
- (d) for the purposes of the Universiti as provided in this Act, to convey, assign, surrender, yield up, charge, sell, mortgage, lease, exchange, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property of any description or any interest therein vested in the Universiti upon such terms as it deems fit;
- (e) to exercise, perform and discharge, in accordance with the provisions of this Act, all powers, functions and duties conferred, provided or imposed upon the Universiti by such provisions.

Non-application of Act 30

3A. The Universities and University Colleges Act 1971 shall not apply to the Universiti.

Powers of the Universiti

4. (1) The Universiti shall, subject to the provisions of this Act, have the following powers:

- (a) to provide courses of study, to make provision for research, to hold examinations and to take such other steps as may appear necessary or desirable for education and training in the fields of technology, science, commerce, business, industry, management or administration, or in the field of any vocation, in Malaysia or elsewhere;

- (b) to confer degrees, diplomas, certificates and other academic distinctions upon persons who have followed courses of study approved by the Universiti and have satisfied such other requirements as may be determined by the Board, or as may be prescribed;
- (ba) to confer honorary degrees or awards on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service as may be recommended by the Board after consultation with the Senate;
- (c) to recognize the degrees, diplomas and certificates of such educational institutions or bodies as may be determined by the Board, or as may be prescribed, for the purpose of admission to the courses of study and examinations of the Universiti;
- (ca) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto;
- (d) to erect, equip and maintain libraries, laboratories, lecture halls, hostels and all other buildings required for the purposes of the Universiti in Malaysia or elsewhere;
- (e) to institute and award fellowships, scholarships, bursaries, medals, prizes and other forms of distinctions, awards or assistance in respect of the education and training provided from or by or in the Universiti;
- (f) to enter into contracts and to appoint such staff as may be required for the purposes of the Universiti;
- (g) to appoint and promote staff of the Universiti;
- (h) to determine the conditions of service of the staff of the Universiti, including schemes of service, salary scales and leave;
- (i) to establish pension, superannuation, provident fund or welfare schemes for the benefit of its staff, and to enter into arrangements with any other organization or person for the establishment of such schemes;

- (j) to regulate and provide for the residence of staff and students of the Universiti and the welfare of staff and students;
- (ja) to grant loans or advances to the staff of the Universiti;
- (jb) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Minister;
- (jc) to conduct commercial research and production for the effective promotion and utilization of the research findings of the Universiti;
- (jd) to market and franchise the services, research findings, and products, of the Universiti;
- (k) to demand and receive such fees as may from time to time be determined by the Board, or as may be prescribed;
- (l) to do all such acts and things, whether or not incidental to the powers aforesaid, as may be requisite in order to further education, training, finance, administration, welfare and discipline in the Universiti.

(2) The Universiti may, with the approval of the Minister, by order published in the *Gazette*, set out—

- (a) the Diplomas and Advanced Diplomas conferred by the Universiti which have been recognized by the Government to be equivalent to degrees at Bachelor level; and
- (b) the dates on which the Diplomas and Advanced Diplomas were given the recognition by the Government as mentioned in paragraph (a),

and the Diplomas and Advanced Diplomas shall have the status of degrees conferred at Bachelor level, with or without honours, as the case may be, from the dates of such recognition, notwithstanding that the dates of such recognition are dates before the date of coming into force of this subsection.

Additional powers of the Universiti

4A. (1) The Universiti may, with the approval of the Minister of Finance—

- (a) where it appears to be requisite, advantageous or convenient for or in connection with the exercise of the powers, the performance of the functions and the carrying on of the activities of the Universiti, enter into equity participation, partnership, joint venture, undertaking or any other form of co-operation or arrangement in association, or otherwise, with—
 - (i) an enterprise, a company, a private undertaking or a syndicate of persons constituted for the carrying on of business in Malaysia or elsewhere;
 - (ii) the Federal Government or any State Government;
 - (iii) a public body or authority;
 - (iv) a commission; or
 - (v) a person;
- (b) establish or promote the establishment of companies under the *Companies Act 2016 [Act 777] to carry on or engage in any activity which has been planned or undertaken by the Universiti;
- (c) establish corporations to carry out and have the charge, conduct and management of any property, project, scheme or enterprise which in the opinion of the Universiti would be beneficial or advantageous to the Universiti;
- (d) borrow, at such rate of interest and for such period and upon such terms as the Minister may approve, any sums required by the Universiti for meeting its obligations or discharging any of its duties;

*NOTE—The Companies Act 2016 [Act 777] has replaced the Companies Act 1965 [Act 125] which comes into operation on 31 January 2017—see subsection 620(1) of Act 777.

- (e) secure borrowings under paragraph (d) by the issue of bonds, debentures or debenture stocks of such class and value or to charge, mortgage, pledge or otherwise create liens over its property, movable or immovable, upon such terms as the Universiti may deem expedient;
 - (f) for purposes of investment, acquire and hold for investment shares, stocks, debentures, debenture stocks, bonds, obligations and securities issued or guaranteed by—
 - (i) any company or private undertaking or any syndicate of persons constituted for the carrying on of business in Malaysia or elsewhere;
 - (ii) the Federal Government or any State Government;
 - (iii) a public body or authority; or
 - (iv) a commission;
 - (g) acquire shares, stocks, debentures, debenture stocks, bonds, obligations or securities referred to in paragraph (f) by original subscription, tender, purchase, transfer, exchange or otherwise;
 - (h) exercise and generally enforce all rights and powers conferred by or incidental to the ownership of shares, stocks, debentures, debenture stocks, bonds, obligations or securities referred to in paragraph (f) and in particular to sell, transfer, exchange or otherwise dispose of the same; and
 - (i) purchase, take on lease or hire or otherwise acquire and invest in any real and personal estate as may be necessary or convenient for any of the purposes of the Universiti.
- (2) The provisions of the First Schedule shall apply to every corporation established by the Universiti under paragraph (1)(c).

Common seal of the Universiti

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

(2) The common seal of the Universiti shall be kept in the custody of the Vice-Chancellor.

(3) The common seal of the Universiti shall not be affixed to any instrument other than a degree, diploma or certificate except in the presence of—

(a) the Vice-Chancellor or, in his absence, a principal officer of the Universiti authorized in writing by the Board; and

(b) one other member of the Board authorized in writing by the Board,

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 Universiti.

(4) The common seal of the Universiti shall be affixed to a degree, diploma or certificate in the presence of—

(a) the Vice-Chancellor or, in his absence, one other member of the Board authorized in writing by the Board; and

(b) the Registrar,

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 Universiti.

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

(6) 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 by the Universiti provided that such document or instrument shall be executed on behalf of the Universiti by the Vice-Chancellor, or by any person generally or specially authorized in writing by the Board.

Location of Universiti

6. The Universiti shall be located at Shah Alam, in the State of Selangor, provided that the Minister may, after consultation with the Board, substitute for that location any other location, or add any other location.

Branches of Universiti

7. (1) The Minister may, after consultation with the Board, direct the Board to establish and maintain such Branch or Branches of the Universiti at such place in Malaysia as the Minister may consider desirable for the purpose of carrying out the provisions of this Act.

(2) The Minister shall appoint in respect of a Branch a Provost of the Branch who shall be the principal executive, administrative and academic officer of the Branch, and he shall perform his functions and discharge his duties under the direction and control of the Vice-Chancellor.

(3) The terms and conditions of service of the Provost shall be determined by the Minister, and shall be binding upon the Universiti.

(3A) (*Deleted by the Act A964*).

(4) The Minister may, by order published in the *Gazette*, make such special provisions as he may deem necessary or expedient for the purposes of the administration of the Branch.

(5) No provision of an order made under subsection (4) shall be invalid on the ground of inconsistency with any provision of this Act or of any rules or other subsidiary legislation made under this Act.

Schools and Centres

8. (1) The Universiti shall be divided into such number of Schools and Centres as may, from time to time, be determined by the Board, and such Schools and Centres shall bear such names as the Board may assign to them.

(2) A School or Centre shall be headed by a person to be appointed by the Vice-Chancellor.

(3) The head of a School or Centre shall be responsible to the Vice-Chancellor and shall perform such duties as may be assigned to him by the Vice-Chancellor.

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

9. (1) The Universiti may, with the 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 University, University College, higher educational institution, or professional body, or any organization, within or outside Malaysia; and

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

(2) The approval of the Minister under subsection (1) may be made subject to such terms and conditions as the Minister may deem fit to specify.

(3) The Minister shall not give approval under subsection (1) unless he is satisfied that the Universiti has made all necessary arrangements with the University, University College, higher educational institution, or professional body, or organization concerned for the conduct of the course of study.

(4) In this section, “affiliation” includes the conduct of twinning programmes.

General power to transact business

10. The Universiti shall, subject to the provisions of this Act, have power to do anything, 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 Act or is incidental or conducive thereto.

Power to employ agents

11. The Universiti may employ and pay agents and technical advisers, including advocates and solicitors or other persons, to transact its business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect the purposes of this Act.

Additional functions of the Universiti

12. In addition to the duties imposed upon and the powers vested in the Universiti by this Act, the Universiti may undertake such other functions, exercise such other powers, and administer and expend such other moneys, as the Minister may assign or give to it, for such purposes as the Minister may specify, and in so doing the Universiti shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Universiti in respect of such functions, such powers and the administration and expending of such moneys:

Provided always that the accounts of such moneys shall be kept separate and apart from those of the Fund.

PART III

THE BOARD

The Board of Directors

13. (1) There shall be constituted a Board of Directors of the Universiti to be known as the Board of Directors of the Universiti Teknologi MARA.

(2) The Board shall consist of—

- (a) a Chairman;
- (b) the Vice-Chancellor;
- (c) two persons to represent the Government;
- (d) five persons who because of their knowledge and experience would, in the opinion of the Minister, be of assistance to the Board, and three of whom shall be from the private sector.

(3) The appointment of the members of the Board, except the Vice-Chancellor, shall be made by the Minister for a period not exceeding three years and upon expiry of such period the members of the Board shall be eligible for reappointment.

(4) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(5) The Minister may appoint any member of the Board to exercise the functions of the Chairman—

- (a) if for any substantial period the Chairman is unable, by reason of illness, leave of absence or any other cause, to perform his functions; or
- (b) during any period of vacancy in the office of the Chairman.

(6) A member appointed as the Chairman under subsection (5) shall, during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman.

(7) The Registrar shall be the Secretary of the Board.

(8) Five members of the Board shall form a quorum at any meeting of the Board.

(9) Subject to this Act, the Board may determine its own procedure.

(10) The provisions of the Second Schedule shall apply to the Board.

Powers and functions of the Board

14. (1) The Board shall be the executive body of the Universiti and may exercise all the powers conferred on the Universiti, save as otherwise provided by this Act or by any rules or other subsidiary legislation made under this Act.

(2) The functions of the Board shall include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the government, control and administration of the Universiti.

Delegation of powers of the Board

15. The Board may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to any member or any committee of its members the power and authority to carry out on its behalf such powers, duties or functions by this Act vested in the Board as the Board may determine; and any power, duty or function so delegated may be exercised, discharged or performed by such member or by such committee, as the case may be, in the name and on behalf of the Board, but subject to the direction and control of the Board.

Committees of the Board

16. (1) For the purposes of enabling it to discharge its duties and exercise its powers, the Board may appoint such committees from amongst its members as it thinks necessary or desirable.

(2) A committee established under subsection (1) shall have the function of deliberating upon matters referred to it by the Board and making appropriate recommendations thereon to the Board.

(3) A committee established under subsection (1) may appoint, where necessary, one or more subcommittees from amongst its members, or it may co-opt such persons as can contribute to its deliberations, but a person co-opted shall not have the right to vote.

(4) The chairman of a committee established under subsection (1) shall be appointed by the Board or, where the Board so directs, by the members of the committee from amongst themselves.

(5) Subject to this Act and to any direction given by the Board, a committee established under subsection (1) may determine its own procedure.

(6) A committee established under subsection (1) shall conform to any direction or instructions from time to time given to it by the Board and the Board may, at any time, discontinue, or alter the constitution of, the committee so appointed.

(7) The provisions of the Second Schedule, except paragraph 7, shall apply to a committee established under subsection (1) as they apply to the Board.

(8) In the application of the Second Schedule to a committee—

- (a) reference to “Board” shall be construed as reference to “committee”;
- (b) reference to “Chairman” shall be construed as reference to “chairman”; and
- (c) reference to “Minister” shall be construed as reference to “Board”.

The Senate

16A. (1) There shall be constituted a Senate of the Universiti to advise the Board on all academic matters of the Universiti.

(2) The Senate shall consist of—

- (a) the Vice-Chancellor as Chairman;
- (b) all the Deputy Vice-Chancellors;
- (c) all Deans and Heads of Schools and Centres;

(d) three representatives of the Provosts appointed by the Vice-Chancellor; and

(e) three senior members of the academic staff of the Universiti.

(3) The Registrar shall be the Secretary of the Senate.

(4) The appointment under paragraph (2)(e) shall be made by the Board for a period of two years.

(5) The Vice-Chancellor may co-opt any other person to be members of the Senate or to attend the meetings of the Senate, but a person co-opted shall not have the right to vote.

(5A) In the absence of the Vice-Chancellor, a Deputy Vice Chancellor shall preside at any meeting of the Senate.

(6) The Senate shall make recommendations to the Board on all matters relating to—

(a) the content and organization of the courses of study provided in the Universiti;

(b) the method of education, instructions and training conducted in the Universiti;

(c) the educational standards in the courses of study provided in the Universiti;

(d) the curricula and courses of study conducted in the Universiti;

(e) the feasibility or otherwise of any proposal in respect of any curriculum or course of study conducted or to be conducted in the Universiti;

(f) the determination of the qualifications required for admission into any course of study provided in the Universiti;

(g) the proposals for the establishment of any new course of study to be conducted, or the discontinuance of any existing course of study conducted, in the Universiti; and

(h) the awards of academic honours, fellowships, degrees, diplomas, certificates, prizes, scholarships and other academic distinctions.

(7) No resolution shall be passed by the Board relating to any matter referred to in subsection (6) unless the Senate has first been given the opportunity of recording and transmitting to the Board its opinion thereon.

(8) For the purpose of enabling it to perform its functions and discharge its duties, the Senate may appoint such committees or subcommittees consisting of its members as well as any person co-opted as members under subsection (5), provided that any person co-opted shall not have the right to vote.

(9) The Senate may delegate any of its duties, functions or responsibilities to its committees or subcommittees.

(10) Subject to this Act, the Senate may determine its own procedure.

(11) The provisions of the Second Schedule, except paragraph 7, shall apply to the Senate established under this section as they apply to the Board.

(12) In the application of the Second Schedule to the Senate—

(a) reference to “Board” shall be construed as reference to “Senate”; and

(b) reference to “Minister” shall be construed as reference to “Board”.

Alumni associations

16B. (1) Subject to the approval of the Board, it shall be lawful for not less than thirty graduates of the Institut Teknologi MARA and of the Universiti to form and establish their respective alumni associations.

(2) Each alumni association shall be governed and administered in accordance with its constitution, and such constitution so made or any amendment to the constitution shall not come into operation unless prior written approval of the Board has been obtained.

(3) The reference in subsection (1) to the “Institut Teknologi MARA” is a reference to the Institut Teknologi MARA existing immediately before the date of coming into operation of this section.

17-19. *(Deleted by Act A964).*

PART IV

OFFICERS AND OTHER STAFF OF THE UNIVERSITI

Chancellor

19A. (1) There shall be a Chancellor who shall be the Head of the Universiti and shall preside when present at any Convocation and shall have such other powers and perform such other duties as may be conferred or imposed on him by or under this Act.

(2) The Chancellor shall be the Yang di-Pertuan Agong.

Appointment of Pro-Chancellor

19B. (1) The Chancellor may appoint, on the advice of the Minister, 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 Act, he may authorize 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.

Appointment, powers and duties of Vice-Chancellor and Deputy Vice-Chancellor

20. (1) There shall be a Vice-Chancellor of the Universiti who shall be appointed by the Minister.

(2) The Vice-Chancellor shall serve in his appointment at the pleasure of the Minister who may at any time revoke the appointment without assigning any reason therefor.

(3) Subject to the provisions of subsection (2), the terms of office and other conditions of service of the Vice-Chancellor shall be determined by the Minister and shall be binding on the Universiti.

(4) The Vice-Chancellor shall be the chief executive, administrative and academic officer of the Universiti.

(5) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and of the rules and other subsidiary legislation made under this Act are observed, and he shall have all such powers as may be necessary for this purpose.

(6) The Vice-Chancellor shall, subject to the provisions of this Act and of the rules and other subsidiary legislation made under this Act, exercise general supervision over the arrangements for education, instruction, training, finance, administration, welfare and discipline in the Universiti, and may exercise such other powers as may be conferred upon him by this Act and any rules and other subsidiary legislation made under this Act.

(7) There shall be one or more Deputy Vice-Chancellors of the Universiti who shall be appointed by the Minister, after consultation with the Vice-Chancellor.

(7A) Any fit and proper person either from within or outside the Universiti may be appointed as a Deputy Vice-Chancellor, and the terms of office and other conditions of service of a Deputy Vice-Chancellor shall be determined by the Minister after consultation with the Vice-Chancellor.

(8) 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 Deputy Vice-Chancellor or, if there is more than one Deputy Vice-Chancellor, any one of them as may be nominated by the Minister 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), the Minister shall make such temporary arrangements as he may think fit for the exercise of such functions.

(9) The Deputy Vice-Chancellor nominated under subsection (8) shall act during any period that the post of Vice-Chancellor is vacant.

Registrar

21. (1) The Universiti shall have a Registrar who shall be appointed by the Board on such terms and conditions of service as may be approved by the Board.

(2) The Registrar shall be the principal Registry officer of the Universiti with such functions and duties as may be determined by the Board.

(3) The Registrar shall perform his functions and discharge his duties under the direction and control of the Vice-Chancellor.

Bursar

22. (1) The Universiti shall have a Bursar who shall be appointed by the Board on such terms and conditions of service as may be approved by the Board.

(2) The Bursar shall be the principal financial officer of the Universiti with such functions and duties as shall be assigned to him by the Board; he shall perform his functions and discharge his duties under the direction and control of the Vice-Chancellor.

Appointment of other principal officers

22A. (1) The Universiti shall have such other principal officers who shall be appointed by the Board on such terms and conditions of service as may be approved by the Board.

(2) The principal officers shall perform such functions and discharge such duties as may be determined by the Board and shall perform and discharge the same under the direction and control of the Vice-Chancellor.

Appointment of other staff

23. (1) The Board may appoint, on such terms and conditions of service as may be approved by the Board, such other staff as may be necessary for carrying out the purposes of the Universiti.

(2) A member of the staff appointed under subsection (1) shall be under the general direction and control of the Vice-Chancellor.

Discipline of staff of the Universiti

***23A.** (1) The Board shall have disciplinary authority over all its staff and shall exercise disciplinary control in respect of all such persons in accordance with this Act and any rules made under section 35.

(2) The Board may, by notification in the *Gazette*, establish different disciplinary committees for different categories of staff.

(3) A disciplinary committee shall exercise its powers in all matters relating to the discipline of every staff placed under its jurisdiction.

(4) No staff shall be a member of any disciplinary committee having disciplinary authority over any staff who is higher in rank than he is.

*NOTE—Section 23A which has been inserted by section 27 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(5) In any case where a member of a disciplinary committee is himself a complainant in any disciplinary proceedings before the disciplinary committee, he shall not be present in such proceedings and the Board shall appoint any other person to participate in such proceedings.

(6) In the exercise of its disciplinary functions and powers, a disciplinary committee shall have the power to take disciplinary action and impose any disciplinary punishment or any combination of two or more of the disciplinary punishments provided under the rules made under section 35.

(7) A disciplinary committee shall have no jurisdiction in respect of the Vice-Chancellor.

(8) Any staff who is dissatisfied with the decision of a disciplinary committee may, within thirty days from the date of service of the decision on him, appeal in writing against such decision to the Board.

(9) When the Board considers an appeal under subsection (8), members of the disciplinary committee against whose decision the appeal is made, who are also members of the Board, shall not be present or in any way participate in any proceedings relating to that appeal.

(10) The Board shall have the power to confirm, reverse or vary the decision of the disciplinary committee or give such directions on the appeal as it deems fit and proper.

(11) The decision of the Board upon an appeal shall be final.

PART IVA

PROVISIONS RELATING TO STUDENTS

Discipline of students of the Universiti

***23B.** (1) The Vice-Chancellor shall have disciplinary authority over every student.

*NOTE—Section 23B which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(2) The Vice-Chancellor shall have the power to take disciplinary action and impose any disciplinary punishment provided under the rules made under section 35.

(3) The Vice-Chancellor may delegate any of his disciplinary powers, duties or functions to any member of the staff, or to any board of members of the staff, in respect of any particular student, or any class or category of students of the Universiti:

Provided that no delegation shall be made under this subsection to such members of the staff as the Minister may direct in writing.

(4) The member of the staff or the board of members of the staff to whom disciplinary powers, duties or functions under subsection (3) have been delegated shall exercise, discharge or perform them under the direction and control of the Vice-Chancellor who shall have the power to review, rescind or vary any decision or finding of such member of the staff or such board of members of the staff.

(5) Any student dissatisfied with the decision of—

(a) The Vice-Chancellor; or

(b) any person or board delegated with powers, duties or functions under subsection (3),

may appeal against such decision to the Minister and the Minister may, if he deems fit, summarily reject the appeal.

(6) Where the Minister does not reject the appeal summarily under subsection (5), he shall appoint a committee of two or more persons, from within or outside the Universiti, to consider the appeal and make its recommendations to him and, upon receiving such recommendations, the Minister may give such decision on the appeal as he considers fit and proper.

Students' Representative Committee

***23c.** (1) The Universiti shall have a Students' Representative Committee (the "SRC").

*NOTE—Section 23c which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(2) The provisions of the Third Schedule shall apply to the SRC.

Establishment of other student bodies

***23D.** (1) Notwithstanding section 23C, it shall be lawful for not less than ten students—

- (a) with the prior written approval of the Vice-Chancellor given after obtaining the concurrence of the Minister; and
- (b) subject to such terms and conditions as the Vice-Chancellor may specify,

to establish a student body consisting of students for the promotion of a specific object or interest within the Universiti.

(2) The provisions of the Third Schedule, except paragraphs 1 and 7, shall apply with such modifications as may be necessary to a student body under this section as they apply to the SRC.

Dissolution of the SRC or other student body

****23E.** (1) The Minister or the Vice-Chancellor may, in his absolute discretion, without assigning any reason therefor—

- (a) suspend or dissolve the SRC or any student body established under section 23D; and
- (b) give such consequential directions or instructions or take such consequential steps as may be necessary or expedient to give effect to the suspension or dissolution.

(2) The suspension or dissolution of the SRC or a student body established under section 23D—

- (a) shall take immediate effect upon the making of the decision to suspend or dissolve the same; and
- (b) shall be final.

**NOTE*—Section 23D which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

***NOTE*—Section 23E which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

Prohibition on student or students' organization, body or group associating with societies, etc. except as approved by the Minister

*23F. (1) No person, while he is a student, shall be a member of, or shall in any manner associate with, any society, political party, trade union or any other organization, body or group persons—

- (a) whether or not it is established under any law;
- (b) whether it is within or outside the Universiti; and
- (c) whether it is within or outside Malaysia,

except as may be provided by or under this Act, or except as may be approved in advance in writing by the Minister.

(2) No organization, body or group of students whether established by, under or in accordance with this Act, shall have any affiliation, association or other dealing with any society, political party, trade union or any other organization, body or group of persons—

- (a) whether or not it is established under any law;
- (b) whether it is within or outside the Universiti; and
- (c) whether it is within or outside Malaysia,

except as may be provided by or under this Act, or except as may be approved in advance in writing by the Minister.

(3) No person, while he is a student, shall express or do anything which may be construed as expressing—

- (a) support, sympathy or opposition to any political party or trade union; or
- (b) support or sympathy with any unlawful organization, body or group of persons.

*NOTE—Section 23F which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(4) No organization, body or group of students which is established by, under or in accordance with this Act, or any other organization, body or group of students, shall express or do anything which may be construed as expressing—

- (a) support, sympathy or opposition to any political party or trade union; or
- (b) support or sympathy with any unlawful organization, body or group of persons.

(5) Any person who contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Prohibition on collection of money by student or by organization, body or group of students

***23G.** (1) No student, or organization, body or group of students, shall within or outside the campus, or within or outside Malaysia—

- (a) collect or attempt to collect;
- (b) promote or attempt to promote any collection of; or
- (c) make or attempt to make any appeal orally or in writing or otherwise for,

any money or other property from any person, not being money or property due or about to fall due under or by virtue of any written law, contract or other legal obligation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) The Minister may, in any particular case, in his absolute discretion, grant exemption to any person from the application of subsection (1), subject to such terms and conditions and for such period as he may, in his absolute discretion, deem fit.

**NOTE*—Section 23G which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—*see* P.U. (B) 461/1996.

(4) Without prejudice to the provisions of this Act or any other written law relating to the delegation of powers, the Minister may, by notification in the *Gazette*, delegate the exercise of his powers under subsection (3) to the Vice-Chancellor in respect of the collection of money within the campus from persons within the campus, subject to such conditions and restrictions as may be specified in such notification.

(5) The provisions of this section shall be in addition to and not in derogation of the provisions of any written law relating to house to house and street collections, public collections, or collection of money or sale of badges.

Criminal liability of office-bearers, etc., of students' organization, body or group

***23H.** (1) Where any offence has been committed under any written law—

- (a) whether or not any person has been convicted in respect thereof; and
- (b) such offence has been committed or purports to have been committed in the name or on behalf of—
 - (i) any organization, body or group of students which is established by, under or in accordance with this Act; or
 - (ii) any other organization, body or group of students,

every office-bearer of such organization, body or group of students and every person managing or assisting in the management of such organization, body or group of students at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed by law therefor, unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

^{*}NOTE—Section 23H which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(2) Any office-bearer of, or any person managing or assisting in the management of, any organization, body or group referred to in subsection (1) shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under this section of an office-bearer of, or any person managing or assisting in the management of, any organization, body or group referred to in subsection (1), any document found in the possession of any office-bearer of, or person managing or assisting in the management of, such organization, body or group, or in the possession of a member of such organization, body or group shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of such organization, body or group.

Presumptions

***23i.** In any prosecution under this Act—

- (a) it shall not be necessary for the prosecution to prove that an organization, a body or group of persons possesses a name or that it has been constituted or is usually known under a particular name;
- (b) where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any organization, body or group of persons are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of such organization, body or group, and such organization, body or group shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found; and

*NOTE—Section 23i which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

- (c) where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any organization, body or group of persons are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such organization, body or group.

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

***23J.** (1) Where a student is charged with a criminal offence—

- (a) he may, immediately thereupon, be suspended from being a student; and
- (b) he shall not, if so suspended under paragraph (a), during the pendency of the criminal proceedings, remain in or enter the campus of the Universiti.

(2) Where a court finds that a charge for a criminal offence is proved against a student—

- (a) the student shall, immediately thereupon, cease to be a student; and
- (b) the student shall not, immediately thereupon, remain in or enter the campus of the Universiti.

(3) A student who is detained or who is subjected to any order imposing restrictions on him under any written law relating to preventive detention or internal security—

- (a) shall, immediately thereupon, cease to be a student; and
- (b) shall not, immediately thereupon, remain in or enter the campus of the Universiti.

*NOTE—Section 23J which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(4) A student who ceases to be a student under subsection (2) or (3) shall not, after the expulsion, be admitted as a student of the Universiti without the prior written approval of the Minister, and if the Minister grants such approval, the Minister may impose such terms and conditions as he may, in his absolute discretion, deem fit to impose.

(5) Any person—

(a) who remains in or enters the campus of the Universiti in contravention of subsection (1), (2) or (3); or

(b) who obtains admission to the Universiti in contravention of subsection (4),

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(6) Subsections (1), (2), (3), (4) and (5) shall apply to a person notwithstanding that there may be pending in any court or before any other authority any application, petition, appeal or other proceedings by him or by any other person in respect of the criminal proceedings, the detention, or the order imposing restrictions, as the case may be:

Provided that upon the determination of such application, petition, appeal or other proceedings, the Minister may, in his absolute discretion, have regard to such determination and grant exemption to the student from the application of subsection (1), (2), (3), (4) or (5), as the case may be, upon such terms and conditions as he may, in his absolute discretion, deem fit to impose.

(7) The Minister may, at any time, in any particular case, in his absolute discretion, grant exemption to any person from the application of subsection (1), (2), (3), (4) or (5), as the case may be, either—

(a) unconditionally;

(b) upon such terms and conditions; or

(c) for such period,

as he may, in his absolute discretion, deem fit.

(8) Without prejudice to the provisions of any other written law relating to the delegation of powers, the Minister may, by notification in the *Gazette*, delegate the exercise of any of his powers under this section to the Vice-Chancellor, subject to such conditions and restrictions as may be specified in such notification.

Minister's power to suspend or expel student from the Universiti

***23k.** (1) The Minister may—

- (a) upon representations made by the Universiti; and
- (b) if he is satisfied that it is desirable to do so in the interest of the Universiti,

order in writing that any student—

- (A) be suspended from being a student for such period as the Minister may specify in the order; or
- (B) be expelled from the Universiti,

and such student shall, immediately thereupon, be so suspended or expelled, as the case may be.

(2) A student in respect of whom the Minister has given an order in writing under subsection (1) may, within one month from the date of such order, make representations to the Minister for the revocation or variation of the order.

(3) The Minister may give such decision with regard to any representations made under subsection (2) as he may deem fit and proper, and such decision shall be final.

(4) An order to suspend a student under subsection (1) may, from time to time, be extended for such period as the Minister may specify in respect of each extension.

*NOTE—Section 23k which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

(5) A student—

(a) who is suspended from being a student; or

(b) who is expelled from the Universiti,

under subsection (1), shall not, during the suspension, or after the expulsion, as the case may be, remain in or enter the campus of the Universiti except with the prior written approval of the Minister, and if the Minister grants such approval, the Minister may impose such conditions as he may, in his absolute discretion, deem fit to impose.

(6) A student who is expelled from the Universiti under subsection (1) shall not, after the expulsion, be admitted as a student of the Universiti without the prior written approval of the Minister, and if the Minister grants such approval, the Minister may impose such conditions as he may, in his absolute discretion, deem fit to impose.

(7) A student—

(a) who remains in or enters the campus of the Universiti in contravention of subsection (5); or

(b) who obtains admission to the Universiti in contravention of subsection (6),

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(8) An order to suspend or expel a student from the Universiti under this section may, at any time, be revoked by the Minister and the Minister may, in his absolute discretion, make such revocation subject to such conditions as he may deem fit to impose.

Removal or exclusion from the Universiti of suspended or expelled student

***23L.** Where a student is suspended or expelled from the Universiti under this Act, the Vice-Chancellor—

- (a) shall take or cause to be taken all such steps as may be necessary to secure or obtain the removal or exclusion of the student from the university with the aid of any staff of the Universiti; and
- (b) may call upon any police officer to assist in securing or obtaining the removal or exclusion of the student from the Universiti and such police officer may, thereupon, for that purpose, use such reasonable force or otherwise on the students or any other person as may be necessary.

PART V**FINANCE****Establishment of Fund**

24. (1) For the purpose of this Act there is hereby established a Fund to be known as the Universiti Teknologi MARA Fund which shall be administered and controlled by the Board.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time by Parliament;
- (b) such sums as may from time to time be lent to the Universiti by the Government;
- (c) any voluntary gift to the Universiti;
- (d) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

*NOTE—Section 23L which has been inserted by section 30 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

- (e) any property, investments, subventions, leases, mortgages, charges or debentures acquired by or vested in the Universiti;
- (f) moneys earned or arising from any property, investments, subventions, leases, mortgages, charges or debentures acquired by or vested in the Universiti; and
- (g) all other sums or property which may in any manner become payable to or vested in the Universiti in respect of any matter incidental to its powers, functions and duties.

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

(4) It shall be the duty of the Board and the Vice-Chancellor to conserve the Fund by so exercising, performing and discharging their powers, functions and duties under this Act so as to secure that the total revenues of the Universiti are, subject to any direction given by the Minister under section 29, sufficient to meet all sums properly chargeable to its revenue account, taking one year with another.

(5) The Universiti may invest in securities of the Government or such other securities as may be approved in advance in writing by the Minister of Finance such moneys of the Fund as may not be immediately required for current expenditure, with power from time to time to vary any such investment subject to the prior approval in writing by the Minister of Finance being obtained in respect of any variation resulting in any investment in securities other than Government securities.

(6) The Universiti may deposit, either on fixed deposit or on current account, any moneys for the time being uninvested with any bank in Malaysia holding a valid licence under the provisions of the *Financial Services Act 2013 [Act 758] and approved in advance in writing for the purpose by the Minister.

*NOTE—The Banking and Financial Institutions Act 1989 [Act 372] has since been repealed by the Financial Services Act 2013 [Act 758] which comes into operation on 30 June 2013—see section 271 of Act 758.

Reserve fund

25. (1) The Universiti shall establish and manage a reserve fund.

(2) The payment into and out of the reserve fund shall be determined by the Board:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the Universiti.

Annual estimates

26. (1) The Vice-Chancellor shall, not later than April in each year, lay before the Board detailed estimates of revenue and expenditure of the Universiti, including capital expenditure, for the ensuing financial year; such estimates shall contain all such details as the Board may require and shall be in such form as the Board may determine, or as may be prescribed.

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

(3) The Board shall consider the estimates so submitted and shall sanction the same either unaltered or subject to such alteration as it thinks fit, and such alteration may include the addition, modification or the rejection of any item appearing in the estimates.

(4) The Board may before sanctioning the estimates under subsection (3) refer any item back to the Vice-Chancellor for his reconsideration.

(5) Such estimates as sanctioned by the Board shall be submitted to the Minister who may disallow or alter such estimates or any portion thereof, or modify any item thereof, or add any item thereto.

(6) Where additional financial provision is required in any year, the Board may, from time to time, during the year cause a supplementary estimate to be prepared by the Vice-Chancellor and submitted to it.

(7) Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Minister who shall deal with it as if it were an original annual estimate.

(8) A supplementary estimate prepared under this section shall show the sources from which the additional expenditure shown in the supplementary estimate is to be met.

(9) The Universiti shall not incur expenditure otherwise than in accordance with the estimates or supplementary estimates approved by the Minister:

Provided that the Board 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; or

(b) to one item of capital expenditure to another item of capital expenditure.

(10) The annual and supplementary estimates shall show in separate parts, the annually recurrent expenditure and the capital expenditure of the Universiti.

Accounts and audit

27. (1) The Universiti shall keep proper accounts and other records in respect of its operation and shall prepare statements of accounts in respect of each financial year.

(2) The accounts of the Universiti shall be audited annually by the Auditor General.

(3) After the end of each financial year, and as soon as the accounts of the Universiti have been audited but, in any case, before the submission of the annual estimates for the ensuing financial year to the Minister under subsection 26(5), the Board shall cause a copy of the statement of accounts to be transmitted to the Minister, together with a copy of any observations made by the Auditor General on any statement or on the accounts of the Universiti.

(4) The Minister shall cause a copy of every such statement of accounts and observations to be laid on the table of each House of Parliament at its next meeting after the receipt thereof by him.

Gifts

28. (1) The Board may on behalf of the Universiti accept by way of grant, gift, testamentary disposition, subvention, legacy or otherwise, property and moneys in aid of the finances of the Universiti on such conditions as it may determine.

(2) Any property or money accepted by the Universiti under subsection (1) shall be dealt with in accordance with the provisions of this Act and shall, subject to the terms and conditions on which the same is given and accepted, be applied by it for all or any of the purposes of the Universiti in accordance with the provisions of this Act.

(3) A register shall be kept of all property and moneys accepted by the Board under subsection (1) including the names of the donors and any special conditions on which the same may have been given.

(4) All property and moneys given and accepted for any specific purposes shall be applied and administered in accordance with the purposes for which the same may have been given and accepted and shall be separately accounted for.

Imposition of surcharge

28A. (1) A person who is or was a staff of the Universiti may be surcharged if it appears to the Board that the person—

- (a) has failed to collect moneys owing to the Universiti for the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of money from the Fund or for any payment of moneys which is not duly approved;

- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any moneys, stamps, securities, stores or other property of the Universiti;
- (d) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or
- (e) has failed to make any payment of moneys, or is or was responsible for any delay in the payment of moneys from the Universiti, to any person to whom the payment is due under any law, contract, agreement or arrangement entered into between that person and the Universiti.

(2) The Board shall, before a person is surcharged under subsection (1), serve on him a written notice calling on him to show cause why he should not be surcharged.

(3) If a satisfactory explanation is not received within thirty days from the date of service of the notice under subsection (2), the Board may—

- (a) in the case of paragraphs (1)(a), (b) and (c), surcharge against the person a sum not exceeding the amount not collected, or of the improper payment made, or of the deficiency in the value of, or loss of, the moneys, stamp, security, store or other property of the Universiti; and
- (b) in the case of paragraphs (1)(d) and (e), surcharge against the person such sum as the Board may think fit.

(4) The Board shall notify the person surcharged in respect of any surcharge made under subsection (3).

(5) Notwithstanding subsections (3) and (4), the Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Board shall at once notify the person surcharged of the withdrawal.

(6) The amount of any surcharge made under subsection (3) and not withdrawn under subsection (5) shall be a debt due to the Universiti from the person surcharged and may be sued for and recovered in any court at the suit of the Universiti and may also if the Board so directs be recovered by deduction—

- (a) from the salary of the person surcharged; or
- (b) from the pension of the person surcharged, by equal monthly instalments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of that person.

(7) In any action for surcharge against the Vice-Chancellor, the composition of the Board for the purposes of subsections (1) to (6) shall not include the Vice-Chancellor.

(8) For the purposes of paragraph (1)(d), “accounting officer” includes every staff of the Universiti charged with the duty of collecting, receiving, or accounting for, or who in fact collects, receives or accounts for, any money of the Universiti, or who is charged with the duty of disbursing, or who does in fact disburse, any such money, and every staff who is charged with the receipt, custody or disposal of, or the accounting for, any money, stamp, security, store or property of the Universiti or who in fact receives, holds or disposes of such money, stamp, security, store or property.

PART VI

GENERAL

Power of Minister to give directions

29. (1) The Board and the Vice-Chancellor shall be responsible to the Minister, and the Minister may, from time to time, give all such directions, whether of a general or a specific character, as he may deem necessary or expedient, being directions not inconsistent with the provisions of this Act and which shall be in accordance with the national policies, strategies and guidelines on higher education formulated or determined by the National Council on Higher Education established under section 3 of the

National Council on Higher Education Act 1996 [Act 546], and it shall be the duty of the Board or the Vice-Chancellor, as the case may be, as soon as possible, to give effect to and carry out all such directions.

(2) Without prejudice to the generality of subsection (1), the power of the Minister to give directions under subsection (1) shall extend to the giving of directions—

(a) as to the disposal of capital assets; and

(b) as to the application of the proceeds of such disposal.

Power of Minister to delegate

29A. (1) The Minister may, subject to such conditions, limitations or restrictions as he may specify, delegate to the Board the exercise, discharge or performance of any of his powers, duties or functions under this Act.

(2) A delegation under this section—

(a) may be revoked at any time by the Minister; and

(b) shall not prevent the Minister from himself exercising, discharging or performing such delegated powers, duties or functions in any case where it appears to him expedient to do so.

Convocation

29B. (1) A Convocation for the conferment of degrees, diplomas, certificates and other academic distinctions 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 authorized for this purpose by the Chancellor, the Vice-Chancellor shall preside over a Convocation.

Returns, reports, accounts and information

30. (1) The Universiti shall furnish the Minister with all such returns, reports, accounts and information with respect to its property and activities as he may from time to time require.

(2) Without prejudice to the generality of the provisions of subsection (1), the Board shall, not later than 30 April in each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Universiti during the preceding financial year and in such form and containing such information relating to the proceedings and policy of the Universiti as the Minister may, from time to time, direct.

(3) The Minister shall cause a copy of every report of the Universiti to be laid on the table of each House of Parliament at its next meeting after the receipt of the report by the Minister.

Public Authorities Protection

31. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceeding against the Universiti or against the Board or any member of the Board, or against the Vice-Chancellor, or against any member of the staff or agent of the Universiti in respect of any act, neglect or default done or committed by it or by him, as the case may be, in such capacity.

Public servants

32. All members of the Board, the Vice-Chancellor, any member of the staff or agent of the Universiti, while discharging their duties or carrying out their functions or exercising their powers shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Obligation of secrecy

33. (1) Except for the purpose of this Act or of any criminal proceedings under this Act, a member of the Board, or the Vice Chancellor, or a member of the staff or agent of the Universiti shall not disclose any information in respect of the Universiti which is not published in pursuance of this Act.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit, or to both.

Civil proceedings

34. Notwithstanding the provisions of any written law to the contrary, in civil proceedings by or against the Universiti—

- (a) any person holding the appointment of a Federal Counsel and authorized by the Attorney General for the purpose; or
- (b) any officer of the Universiti authorized in that behalf by special or general directions of the Vice-Chancellor,

may, on behalf of the Universiti, commence, institute, appear in and conduct such proceedings and may make and do all appearances, acts, and applications in respect of such proceedings.

Act or omission done in good faith

34A. No action or suit shall be instituted or maintained in any court against—

- (a) the Board;
- (b) a member of the Board;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellor;
- (e) the Senate;
- (f) a member of the Senate;
- (g) a staff of the Universiti; and
- (h) a person authorized to act for or on behalf of any of the bodies or persons under paragraphs (a) to (g),

for any act or omission done in good faith in the exercise or discharge of its or his powers or duties under this Act in a reasonable belief that it was necessary for the purpose intended to be served thereby.

Service

34B. (1) Service of any notice under this Act or any rules made under this Act shall be effected by registered post to the person affected thereby and shall be deemed to have been served on the day succeeding the day on which the notice would have been delivered in the ordinary course of post.

(2) Where the person to whom there has been addressed a registered letter containing any notice which may be given under this Act or any rules made under this Act is informed of the fact that there is a registered letter awaiting him at a post office, and such person refuses, neglects or fails to take delivery of such registered letter, such notice shall be deemed to have been served upon him on the date on which he is so informed.

Power of Board to make rules

35. (1) The Board may make all such rules as may be necessary for the purpose of giving effect to the provisions of this Act.

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

- (a) the preparation, audit, and submission to the Minister of estimates, budgets, statements and returns;
- (b) the functions, duties *and discipline of the staff;
- (c) (*Deleted by Act A964*);
- (d) the determination of the principles governing the award of degrees, diplomas, certificates and other academic distinctions to be conferred by the Universiti;

*NOTE—Words “and discipline” in paragraphs 35(2)(b) and (e) which have been inserted by subparagraphs 37(c)(i) and (iv) of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] are yet to come into force—see P.U. (B) 461/1996.

- (e) the conditions of admission, welfare * and discipline of students;
- (ea) ** any matter relating to the SRC and other student bodies;
- (f) the management of libraries, laboratories, workshops and any other facilities provided by the Universiti;
- (g) the establishment and regulation of pensions, superannuation and provident fund schemes for the staff or any section of them;
- (h) any matter within the powers of the Universiti under section 4 or under any other provision of this Act.

PART VII

TRANSITIONAL

Interpretation of this Part

36. In this Part, unless the context otherwise requires—

“ITM” means the Institut Teknologi MARA established by MARA and existing immediately before the appointed date;

“MARA” means the Majlis Amanah Rakyat established by the Majlis Amanah Rakyat Act 1966 [*Act 489*].

Transfer of powers, rights, duties, etc.

37. Subject to the provisions of this Act, all powers, rights, privileges, duties, liabilities or obligations which immediately before the appointed date were those of MARA in respect of ITM, or those of ITM, shall, as from that date, devolve on the Universiti established by this Act.

*NOTE—Words “and discipline” in paragraphs 35(2)(b) and (e) which have been inserted by subparagraphs 37(c)(i) and (iv) of the Institut Teknologi MARA (Amendment) Act 1996 [*Act A964*] are yet to come into force—see P.U. (B) 461/1996.

**NOTE—Paragraph 35(2)(ea) which has been inserted by subparagraph 37(c)(v) of the Institut Teknologi MARA (Amendment) Act 1996 [*Act A964*] is yet to come into force—see P.U. (B) 461/1996.

Transfer of property

38. (1) Subject to the provisions of this Act, all lands which immediately before the appointed date were vested in MARA in respect of ITM, or vested in ITM, or vested in any person on behalf of ITM, shall, on that date, vest in the Universiti established by this Act.

(2) Subject to the provisions of this Act, all lands which immediately before the appointed date were reserved under the provisions of any written law relating to land for the purposes of MARA in respect of ITM, or for the purposes of ITM, shall, on that date, be deemed to be reserved for the purposes of the Universiti established by this Act.

(3) Subject to the provisions of this Act and to any direction of the Minister, all property and assets other than land which immediately before the appointed date were vested in—

- (a) MARA in respect of ITM;
- (b) any person on behalf of MARA in respect of ITM;
- (c) ITM; or
- (d) any person on behalf of ITM,

shall, on that date, vest in the Universiti established by this Act.

(4) It is hereby declared that any property, whether movable or immovable, which, immediately before the appointed date, was used for the purposes which after that date become the purposes of the Universiti established by this Act shall, on that date, be vested in the said Universiti.

(5) Subject to the provisions of this Act, where immediately before the appointed date any proceedings have been taken under any written law relating to compulsory acquisition of land for the purposes of MARA in respect of ITM, or for the purposes of ITM, such proceedings shall, as from that date, be deemed to have been taken for the acquisition of the land for the purposes of the Universiti established by this Act.

Existing contracts

39. Subject to the provisions of this Act and to any direction of the Minister, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the appointed date and affecting any of the property transferred under section 38 shall be of full force and effect against or in favour of the Universiti established by this Act and enforceable fully and effectually as if, instead of—

- (a) MARA in respect of ITM;
- (b) any person on behalf of MARA in respect of ITM;
- (c) ITM; or
- (d) any person on behalf of ITM,

the Universiti established by this Act had been named therein or had been a party thereto.

Continuance of criminal and civil proceedings

40. (1) Subject to the provisions of this Act, any proceedings, whether civil or criminal, or any cause of action pending or existing immediately before the appointed date by or against—

- (a) MARA in respect of ITM;
- (b) any person acting on behalf of MARA in respect of ITM;
- (c) ITM; or
- (d) any person acting on behalf of ITM,

may be continued or instituted by or against the Universiti established by this Act as it might have been by or against the same respectively as if this Act had not been passed.

(2) Any appeal brought or any leave to appeal applied for on or after the appointed date against a decision given in any legal proceedings before that date may be brought by or against the Universiti established by this Act.

Transfer of fund

41. (1) All moneys standing in, or due to be paid to, the Fund of MARA established under section 13 of the Majlis Amanah Rakyat Act 1966, in respect of ITM, shall on the appointed date be vested in the Universiti established by this Act and transferred to the Fund.

(2) All moneys belonging to or due to ITM immediately before the appointed date shall, on that date, be vested in the Universiti established by this Act and transferred to the Fund.

Continuance of officers and servants

42. (1) Every person who immediately before the appointed date was employed as an officer or servant of MARA serving in ITM shall, on that date, be deemed to have been employed by the Universiti established by this Act as if the said Universiti had existed prior to that date throughout the service of such officer or servant in ITM.

(2) Every person who immediately before the appointed date was employed as an officer or servant of MARA serving in ITM shall, on that date, be employed as an officer or servant, as the case may be, of the Universiti established by this Act upon terms and conditions of service not less favourable than those obtaining immediately before the appointed date.

(3) This section is enacted for national purposes.

Students

43. All persons who immediately before the appointed date were students of ITM shall, on that date, be deemed to be students of the Universiti established by this Act.

Pending disciplinary proceedings

44. All disciplinary proceedings which, immediately before the appointed date, were pending against any member of the staff or any student of ITM may, on or after that date, be continued against the member of the staff or the student by the appropriate authority of the Universiti established by this Act.

Branches

45. All branches of ITM existing immediately before the appointed date shall as on that date be deemed to be Branches of the Universiti established by this Act.

Dissolution of governing body

46. Any governing body of ITM in existence immediately before the appointed date shall, on that date, stand dissolved.

Minister's power to amend this Part

47. (1) The Minister may, by order published in the *Gazette*, make such modifications, variations, additions, or other alterations whatsoever to the provisions of this Part as he may deem necessary or expedient to prevent, remove, resolve or overcome any difficulty or anomaly, or to meet any omission, or otherwise for the purpose of giving effect to the provisions of this Act.

(2) An order made under this section shall be laid on the table of both Houses of Parliament at its next sitting after the publication of the order in the *Gazette*.

FIRST SCHEDULE

[Section 4A]

Power of Universiti to make rules in respect of corporation

1. The Universiti shall, on or before the date on which any corporation is established under paragraph 4A(1)(c), prescribe by rules—

- (a) the purposes and objects for which such corporation is established;
- (b) the rights, powers, duties and functions of such corporation;
- (c) the system of management of such corporation; and
- (d) the relations between such corporation and the Universiti and the rights of control of the Universiti over such corporation.

Effect of rules

2. Any rules made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted under this Act.

Power to amend, etc., rules

3. The Universiti may at any time amend, revoke, or add to, any rules made in respect of any corporation under paragraph 1.

Winding-up

4. (1) The Universiti may, with the approval of the Minister, after consultation with the Minister of Finance, direct that any corporation established by it be wound up and dissolved.

(2) Upon the dissolution of any corporation under subparagraph (1), the assets of the corporation after discharging all its liabilities shall be transferred to and vested in the Universiti.

(3) The winding up of a corporation under subparagraph (1) shall be conducted in such manner as the Universiti may prescribe.

Corporation to be bodies corporate

5. Every corporation established under paragraph 4A(1)(c)—

- (a) shall be a body corporate by such name as the Universiti shall give to it;

- (b) shall have perpetual succession;
- (c) shall have a common seal;
- (d) may sue and be sued in its corporate name;
- (e) may enter into contracts;
- (f) may hold, and deal in or with, any movable or immovable property;
and
- (g) may do all other matters and things incidental or appertaining to a
body corporate not inconsistent with this Act,

subject to such restrictions or limitations as may be specified by the Universiti in each case.

Common seal of corporation

6. (1) Every corporation shall have a common seal which shall bear such device as the corporation, with the approval of the Universiti, may determine.

(2) The common seal may from time to time be broken, changed, altered and made anew as the corporation, with the approval of the Universiti, may think fit.

(3) Until a seal is provided by the corporation, a stamp bearing the name of the corporation encircling the letters "UNIVERSITI TEKNOLOGI MARA" may be used and shall be deemed to be the common seal of the corporation.

(4) The common seal, or the stamp referred to in subparagraph (3), shall be kept in the custody of such person as may be authorized by the corporation, and shall be authenticated by such person.

(5) All deeds, documents and other instruments purporting to be sealed with the seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed.

(6) Any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by an officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

(7) The common seal of every corporation shall be officially and judicially noticed.

SECOND SCHEDULE

[Section 13]

Disqualification

1. A person shall be disqualified from being appointed or being a member of the Board—

(a) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under a law relating to corruption;

(iii) an offence under this Act; or

(iv) any other offence punishable with imprisonment for more than two years;

(b) if he becomes a bankrupt;

(c) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs.

Cessation from being a member

2. A member of the Board shall cease to be a member—

(a) if he fails to attend three consecutive meetings of the Board without leave of the Chairman; or

(b) if his appointment is revoked.

Resignation

3. A member of the Board may resign at any time by giving one month's notice in writing to the Chairman.

Filling of vacancies

4. Where any person ceases to be a member of the Board by reason of the provisions of this Act, another person may be appointed by the Minister to fill the vacancy for the remainder of the term for which the member was appointed.

Allowance

5. Members of the Board shall be paid such allowance as the Minister may determine.

Meetings

6. (1) The Chairman shall preside at a meeting of the Board and, in his absence, the members of the Board shall elect one of their number to preside over the meeting.

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

Board may invite others to meetings

7. (1) The Board may invite any person to attend a meeting or deliberation of the Board for the purpose of advising it on any matter under discussion but any person so attending shall not have the right to vote at the said meeting or deliberation.

(2) A person invited under subparagraph (1) shall be paid such allowance as the Board may determine.

Minutes

8. Any minutes made of meetings of the Board shall, if duly signed, be admissible in evidence in all legal proceedings without further proof, and every meeting of the Board in respect of which minutes have been so made shall be deemed to have been duly convened and held, and all members thereat to have been duly qualified to act.

Disclosure of interest

9. (1) A member of the Board having, directly or indirectly, by himself or his partner—

(a) any interest in any company or undertaking with which the Board proposes to enter into a contract; or

(b) any interest in any such contract or in any matter under discussion by the Board,

shall disclose to the Board the fact of his interest and its nature.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the Board and, unless specifically authorized by the Chairman, such member shall take no part in any deliberation or decision of the Board relating to the contract or matter.

Validity of acts and proceedings

10. No act done or proceedings taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or of any defect in the constitution of, the Board;
- (b) the contravention by a member of the Board of paragraph 9; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

*THIRD SCHEDULE

[Sections 23C and 23D]

STUDENTS' REPRESENTATIVE COMMITTEE

Election of SRC

1. In electing a Students' Representative Committee, the students of each particular field shall elect, by secret ballot conducted by the Vice-Chancellor, such uniform number of students studying in the respective fields to be representatives in the SRC as may be determined by the Vice-Chancellor; and the division of the education provided in the Universiti into various fields of study for the purposes of this paragraph shall be made by the Vice-Chancellor.

Office-bearers of SRC

2. The SRC shall elect from amongst its members—

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary; and
- (d) a Treasure,

who shall be its only office-bearers.

*NOTE—The Third Schedule which has been inserted by section 38 of the Institut Teknologi MARA (Amendment) Act 1996 [Act A964] is yet to come into force—see P.U. (B) 461/1996.

Term of office of SRC and its office-bearers

3. The members of the SRC and its office-bearers shall be elected for one year.

Decisions by majority vote

4. The SRC's decisions shall be taken by a majority vote with not less than two-third of the members being present and voting.

***Ad hoc* committee**

5. The SRC may form, from time to time, with the prior written approval of the Vice-Chancellor, *ad hoc* committees from amongst its members for specific purposes or objects.

Disqualification in respect of SRC

6. (1) No student—

(a) against whom disciplinary proceedings are pending; or

(b) who has been found guilty of a disciplinary offence,

shall be elected or remain a member of the SRC unless authorized in writing by the Vice-Chancellor.

(2) A student—

(a) who has not yet appeared for his first examination in respect of his course of studies; or

(b) who has failed, or who did not appear for, the last examination held in respect of his course of studies,

immediately prior to any proposed election or elections to the SRC or by the SRC shall be disqualified from being elected at such election or elections.

Objects and functions of the SRC

7. The objects and functions of the SRC shall be—

(a) to assist and encourage, subject to the direction of the Vice-Chancellor, the development of the facilities for students such as recreational facilities and the supply of meals and refreshments;

- (b) to make representations to the Vice-Chancellor on matters relating to the conditions in which the students live and study; and
- (c) to undertake such other activities as may be determined by the Vice-Chancellor from time to time.

Expenses of SRC

8. (1) The SRC shall not—

- (a) maintain any fund; or
- (b) make any collection of any money or property,

from any source.

(2) Any reasonable expenses as the SRC may be authorized in advance in writing by the Vice-Chancellor to incur may be paid by the Universiti where reasonable written claims supported by receipts and vouchers are submitted by the SRC to, and are approved by, the Vice-Chancellor.

Accounts of SRC

9. (1) The Treasurer shall keep proper accounts of the SRC which shall be audited by a person appointed by the Vice-Chancellor.

(2) A copy of the accounts kept under subparagraph (1) shall be submitted by the SRC for approval to the Vice-Chancellor not later than three months after the end of each financial year, being a financial year as specified by the Vice-Chancellor.

Meetings of SRC

10. (1) The SRC shall hold meetings from time to time as it may deem necessary and it shall be duty of the Secretary to keep minutes of every meeting of the SRC and such minutes shall be confirmed at a subsequent meeting.

(2) The SRC or an *ad hoc* committee of the SRC shall, not less than forty-eight hours before holding any meeting, give notice of the date and time of the meeting and its agenda to the Vice-Chancellor.

(3) Every meeting of the SRC or of an *ad hoc* committee of the SRC shall be held at a place provided for the purpose of such meetings by the Vice-Chancellor.

(4) The Vice-Chancellor or his representative shall be present at each meeting of the SRC or of an *ad hoc* committee of the SRC, unless the Vice-Chancellor decides otherwise in respect of any particular meeting.

Inspection of records

11. The records of the SRC or of an *ad hoc* committee of the SRC shall at all times be open to inspection by the Vice-Chancellor or his representative.

Disputes as to elections

12. (1) If any dispute arises as to whether any member or office-bearer of the SRC or of an *ad hoc* committee of the SRC—

(a) has been duly elected or appointed, as the case may be; or

(b) is entitled to be or to remain a member or office-bearer thereof,

the dispute shall be decided by the Vice-Chancellor or by a person appointed by him for that purpose.

(2) The decision of the Vice-Chancellor or of the person appointed by him under subparagraph (1) shall be final.

Definition of “student” for the purpose of this Schedule

13. (1) For the purpose of this Schedule, “student” does not include a public officer who is following a course of study in the Universiti.

(2) A person shall cease to be a student within the meaning of this paragraph—

(a) upon the publication of the results of the final examination of such course of study, if he passes such examination; or

(b) upon the publication of the results of any examination for such course of study, if he fails such examination, until he is, thereafter, registered again for that or another course of study applicable to a registered student under this paragraph.

LAWS OF MALAYSIA**Act 173****UNIVERSITI TEKNOLOGI MARA ACT 1976**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A652	Institut Teknologi MARA (Amendment) Act 1986	01-04-1986
Act A964	Institut Teknologi MARA (Amendment) Act 1996	17-10-1996 (Except s.27 to s.30, subparagraphs 37(c)(i), (iv) and (v) and Third Schedule to s.38)
Act A1073	Institut Teknologi MARA (Amendment) Act 2000	26-08-1999

LAWS OF MALAYSIA

Act 173

UNIVERSITI TEKNOLOGI MARA ACT 1976

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
1A	Act A1073	26-08-1999
2	Act A964 Act A1073	17-10-1996 26-08-1999
3	Act A1073	26-08-1999
3A	Act A1073	26-08-1999
4	Act A964 Act A1073	17-10-1996 26-08-1999
4A	Act A964	17-10-1996
5	Act A964	17-10-1996
6	Act A964	17-10-1996
7	Act A652 Act A964 Act A1073	01-04-1986 17-10-1996 26-08-1999
8	Act A964	17-10-1996
9	Act A964	17-10-1996
13	Act A964 Act A1366 Act A1073	17-10-1996 11-02-2010 26-08-1999
16	Act A964	17-10-1996
16A	Act A964 Act A1073	17-10-1996 26-08-1999
16B	Act A1073	26-08-1999
17	Act A964	17-10-1996

Section	Amending authority	In force from
18	Act A964	17-10-1996
19	Act A964	17-10-1996
19A	Act A1073	26-08-1999
19B	Act A1073	26-08-1999
20	Act A652 Act A964 Act A1073	01-04-1986 17-10-1996 26-08-1999
21	Act A964	17-10-1996
22	Act A964	17-10-1996
22A	Act A964	17-10-1996
23	Act A964	17-10-1996
23A	Act A964	Not yet in force
23B	Act A964	Not yet in force
23C	Act A964	Not yet in force
23D	Act A964	Not yet in force
23E	Act A964	Not yet in force
23F	Act A964	Not yet in force
23G	Act A964	Not yet in force
23H	Act A964	Not yet in force
23I	Act A964	Not yet in force
23J	Act A964	Not yet in force
23K	Act A964	Not yet in force
23L	Act A964	Not yet in force
24	Act A964	17-10-1996
28	Act A964	17-10-1996

Section	Amending authority	In force from
28A	Act A964	17-10-1996
29	Act A964	17-10-1996
29A	Act A964	17-10-1996
29B	Act A1073	26-08-1999
34A	Act A964	17-10-1996
34B	Act A964	17-10-1996
35	Act A964	17-10-1996
First Schedule	Act A964	17-10-1996
Second Schedule	Act A964	17-10-1996
Third Schedule	Act A964	Not yet in force
Throughout the Act	Act A652	01-04-1986
	Act A964	17-10-1996
	Act A1073	26-08-1999