

(b) persons being trained as student teachers in educational institutions established by and under the direct control of the Minister.

Register of teachers and power of Registrar General to strike off a teacher from the register.

100. (1) The Registrar General shall keep or cause to be kept, in such form as may be prescribed, a register of teachers in which shall be entered such particulars as may be prescribed.

(2) The Registrar General may strike off a teacher from the register upon revocation of his registration under section 106(3).

Application for registration as a teacher.

101. An application for registration as a teacher shall be made to the Registrar General in such form and manner as may be prescribed.

Power of Registrar General to refuse to register a person as a teacher.

102. The Registrar General may refuse to register any person as a teacher under this Order if he is satisfied that the person —

- (a) is under the age of 18 years;
- (b) has no qualifications to teach or has qualifications which in the opinion of the Registrar General are inadequate for the purpose;
- (c) has made a statement which is false or misleading in, or in connection with his application for registration, or has intentionally suppressed any fact which is material to the application;
- (d) suffers from some physical or mental illness or disease rendering him, in the opinion of the Registrar General, unsuitable to be a teacher;
- (e) has been convicted of any offence and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000;
- (f) is not a fit and proper person to be registered as a teacher; or
- (g) has not complied with the prescribed procedure for application under any regulations relating to the registration of teachers.

"premises" means any building used as an educational institution, and includes any building for the purpose of providing accommodation and other facilities for pupils and staff of the institution but does not include any land occupied therewith;

"pre-school class" means any place where pre-school education is provided to 10 or more pupils who are between the ages of 3 years and under 4 years old and shall include kindergartens;

"pre-school education" means an educational programme for pupils in a pre-school class or a kindergarten;

"prescribed" means prescribed by regulations made under this Order;

"primary education" means a course of study at primary level which is designed for a duration of 6 years but which may be completed within 5 to 7 years;

"primary school" means a school that —

(a) provides primary education for pupils of the appropriate age subject to section 25; and

(b) prepares pupils for such examinations as may be prescribed;

"principal" has the same meaning as "head teacher";

"private educational institution" means an educational institution which is not a government educational institution;

"pupil" means a person of any age for whom education or training is being provided in an educational institution;

"registered teacher" means any teacher registered under this Order;

"Registrar" means the Registrar of Educational Institutions and Teachers appointed under section 5(2) and includes the Registrar General and the Deputy Registrar General;

"Registrar General" means the Registrar General of Educational Institutions and Teachers appointed under section 5(1) and includes the Deputy Registrar General of Educational Institutions and Teachers appointed under the same section;

"school" means a place where ten or more persons are habitually taught whether in one or more classes;

"secondary education" means education comprising lower secondary and upper secondary education;

"secondary school" means an school providing secondary education appropriate for a pupil who has just completed primary education;

"special education" means education that caters for the special educational needs of pupils;

"special school" means a school providing special education as prescribed by regulations made under section 30;

"teacher" means a person who —

(a) teaches pupils in an educational institution; or

(b) prepares or issues lessons or corrects returned answers in, for or through a distance education centre,

and includes a head teacher or principal;

"upper secondary education" means education suitable to the abilities and aptitudes of a pupil who has completed lower secondary education.

Power to exempt educational institutions.

3. The Minister may, if he considers it desirable and in the interest of an educational institution or in the interest of the pupils or the public, by order published in the *Gazette*, exempt any educational institution or any class or classes of educational institutions from all or any of the provisions of this Order, either absolutely or subject to such conditions as he thinks fit to impose, and may at any time in his discretion revoke the exemption or cancel or alter or add to such conditions.

PART II

ADMINISTRATION

Appointment and duty of Director General of Education.

4. (1) There shall be a Director General of Education or an officer by another designation determined by the Minister who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan upon the recommendation of the Minister from amongst education officers in the Ministry.

institution or any person authorised by him in that behalf shall, within 21 days of the retirement or cessation, report such fact to the Registrar General in writing.

(2) The Registrar General, upon receiving a report under subsection (1), shall forthwith strike off the governor from the register.

Appeal against striking off from the register.

95. A governor struck off the register under section 92 or 94(2) may, within 21 days of the notice being served upon him in accordance with section 93, appeal to the Minister whose decision shall be final.

Surrender of certificate of registration.

96. Any person who has been struck off the register shall, within 21 days of the service of the notice under section 93 or after the determination by the Minister of any appeal in favour of the Registrar General, surrender to the Registrar General the certificate of registration issued to him under this Order or any previous written law relating to the registration of governors of an educational institution.

Registration of pupils.

97. The governors, head teacher, principal or other person responsible for the management of an educational institution shall keep or cause to be kept, in such manner as may be prescribed, a register containing the prescribed particulars with respect to all pupils at the educational institution.

PART VIII

REGISTRATION OF TEACHERS

Teachers to be registered.

98. Every person who teaches in an educational institution as a teacher shall be registered as such.

Exemption.

99. Section 98 does not apply to —

(a) persons appointed by the Public Service Commission to act as teachers; and

(c) that person has made a false or misleading statement in, or in connection with, his application for registration, or has intentionally suppressed any fact which is material to the application; or

(d) that person is under 25 years of age.

Notice of refusal to register a governor.

90. When the Registrar General, under section 89, refuses to register a person as a governor of an educational institution, he shall inform the person in writing of the refusal specifying the grounds of the refusal.

Appeal against refusal to register a governor.

91. Any person who is aggrieved by the refusal of the Registrar General to register him as a governor of an educational institution may, within 21 days of being informed of the refusal in accordance with section 90, appeal to the Minister whose decision shall be final.

Power of Registrar General to strike off a governor from the register.

92. The Registrar General may strike off a governor from the register —

(a) on the ground specified in section 89(a);

(b) if it appears to the Registrar General that he is a person who ought not, in the interests of Brunei Darussalam, the public or any person, to remain as a governor; or

(c) if he has obtained his registration in consequence of a mistake or due to any false or misleading statement furnished in or in connection with his application for registration.

Governors struck off the register to be notified.

93. When a governor has been struck off the register under section 92 or 94(2), the Registrar General shall forthwith inform him in writing that he has been so struck off and of the grounds thereof.

Retirement of governors.

94. (1) Upon the retirement or cessation of a person to act as a governor of an educational institution, the chairman of the board of governors of that educational

(2) The Director General or the officer appointed under subsection (1) shall have the powers and exercise the functions conferred on him by this Order, and shall advise the Minister on matters connected to educational theory and practice as he thinks fit.

Registrar General, Deputy Registrar General, Registrars and Assistant Registrars.

5. (1) There shall be a Registrar General and Deputy Registrar General of Educational Institutions and Teachers who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan.

(2) The Minister shall appoint such number of Registrars of Educational Institutions and Teachers and Assistant Registrars, as he may consider necessary for the purposes of this Order.

(3) The Deputy Registrar General, Registrars and Assistant Registrars shall be under the direction and control of the Registrar General.

(4) The Registrar General shall have the powers and exercise the functions conferred on him by this Order, and in his absence such powers and functions may be had or exercised by the Deputy Registrar General.

(5) A Registrar or an Assistant Registrar may exercise all the powers and functions conferred on the Registrar General by or under this Order, subject to any restrictions that may be imposed by the Registrar General.

Director of Schools' Inspectorate and Inspectors of Schools.

6. (1) There shall be a Director of Schools' Inspectorate who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan.

(2) The Minister shall appoint such other Inspectors of Schools as may be considered necessary for the purposes of this Order and all such Inspectors shall be subject to the direction and control of the Director of Schools' Inspectorate.

District Education Officer.

7. There shall be, for each district, a District Education Officer appointed by the Minister for the purposes of this Order.

Power of Minister to issue general directions.

8. The Minister may from time to time give an officer appointed under this Part directions of a general nature, and not inconsistent with the provisions of this Order or any regulations made thereunder, as to the exercise of the powers and

discretion conferred on the officer by, and the duties required to be discharged by the officer under, this Order and regulations made thereunder, in relation to all matters which appear to the Minister to affect the National Education Policy, and the officer shall give effect to every such direction.

Power of Minister to issue special directions.

9. The Minister may from time to time give a governor of any member of a board of governors appointed under section 66(2), or a head teacher or principal, of an educational institution, directions not inconsistent with the provisions of this Order or any regulations made thereunder, in relation to any matter in respect of which regulations may be made under this Order, and the governor, member, head teacher or principal shall give effect to every such direction.

PART III

NATIONAL EDUCATION COUNCIL

National Education Council.

10. There is hereby established for the purposes of this Order the National Education Council of Brunei Darussalam.

Composition of Council and secretary.

11. (1) The members of the Council shall comprise of —

- (a) the Minister of Education, who shall be a co-chairman;
- (b) the Minister of Religious Affairs, who shall be a co-chairman;
- (c) the State Mufti;
- (d) the Deputy Minister of Education;
- (e) the Deputy Minister of Religious Affairs;

(f) one Permanent Secretary from the Prime Minister's Office to be appointed by His Majesty the Sultan and Yang Di-Pertuan;

(g) one representative from the Islamic Religious Council to be appointed by His Majesty the Sultan and Yang Di-Pertuan;

(h) one representative from *Jawatanruasa Tertinggi Melayu Islam Beraja* to be appointed by His Majesty the Sultan and Yang Di-Pertuan; and

surrender to the Registrar General their certificates of registration issued under this Order.

All governors to be registered.

87. (1) Every person who acts as a governor of an educational institution shall be registered as such by the Registrar General in respect of the educational institution.

(2) An application for registration as a governor shall be made in the prescribed form.

Registration of governors.

88. (1) Subject to section 89, the Registrar General shall, upon an application duly made and after such enquiry as he may think necessary, register a person as a governor of an educational institution and shall issue to him a certificate of registration in the prescribed form.

(2) The Registrar General may, in his discretion, issue to a person applying for registration as a governor or to a person required to act temporarily as a governor, a permit, in such form as may be prescribed, to act in that capacity and during the validity of the permit the person to whom it is issued shall be deemed to be registered as a governor under this Order.

(3) A permit issued under subsection (2) may be revoked by the Registrar General at any time and, in the case of a person applying for registration as a governor, shall cease to be valid upon the registration under this Order of the person to whom it was issued.

Grounds of refusal to register a governor.

89. The Registrar General may refuse to register a person as a governor of an educational institution if —

(a) that person has been convicted of an offence and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000;

(b) that person has, otherwise than by reason only of an educational institution having ceased to exist, been struck off any register established under this Order or under the provisions of any previous corresponding written law;

- (a) the occurrence of any of the matters specified in section 83(a);
- (b) that discipline in the educational institution is not being adequately maintained;
- (c) that the registration of the educational institution was made by mistake or due to any false or misleading statement;
- (d) that the chairman of the board of governors or any other person responsible for the management of the educational institution has made a false or misleading statement in a material particular in promoting the educational institution;
- (e) that there has been a breach of any condition imposed by the Registrar General under section 75(3);
- (f) that the educational institution has committed an offence under this Order or under any other written law;
- (g) that the educational institution is being used for a purpose that is in conflict with its constitution and objectives under its articles and memorandum of association and instrument of government;
- (h) that there is no chairman of the board of governors of the educational institution, or that the person appointed to be the chairman of the board of governors or to be head teacher or principal or chief executive is not a fit and proper person to act as such.

(2) Subject to subsection (1), the Registrar General may give a notice of his intention to cancel the registration of the educational institution specifying the grounds relied upon.

(3) Where a notice under subsection (2) is served on the chairman of the board of governors or the person responsible for the management of an educational institution, he may, within 21 days of the service of the notice on him, appeal to the Minister whose decision shall be final.

(4) The Registrar General may take steps to cancel the registration of an educational institution which has been given a notice under subsection (2) and, subject to any appeal to the Minister under subsection (3).

(5) Within 21 days of the cancellation of registration of an educational institution, the chairman of the board of governors or the person responsible for the management of the educational institution shall surrender to the Registrar General the certificate of registration of the educational institution and the instrument of government thereof, and the chairman and the governors shall

(i) seven other members to be nominated by the Minister and appointed by His Majesty the Sultan and Yang Di-Pertuan.

(2) The Director General or the officer appointed under section 4(1) shall be the secretary of the Council.

Removal from Office.

12. His Majesty the Sultan and Yang Di-Pertuan may remove a member appointed under paragraphs (f), (g), (h) and (i) of section 11(1) from such office at his pleasure.

Function of the Council.

13. The Council shall advise the Minister upon any matter of educational policy and development which may be referred to it by the Minister or which it may propose itself.

Power to make regulations in relation to the Council.

14. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for giving effect to and carrying out the provisions of this Part, and without prejudice to the generality of such power, the regulations may provide for —

(a) the conditions of office of members;

(b) procedural matters in relation to the Council's meetings and its functions;

(c) the appointment of committees and sub-committees of the Council; and

(d) such other matters that the Minister considers necessary for the proper functioning of the Council.

Power to regulate proceedings.

15. (1) Subject to this Part and any regulations made thereunder, the Council shall have the power to regulate its own proceedings.

(2) Subject to subsection (1), the Chairman shall cause to be kept records of all meetings and proceedings of the Council.

PART IV

NATIONAL EDUCATION SYSTEM

National Education Policy.

16. (1) The National Education Policy shall be based upon the nation's philosophy of a Malay Islamic Monarchy.

(2) Subject to any requirements of the National Education Policy, the Minister shall ensure that a child of school-going age is given the opportunity to attend primary and secondary school and complete the course of study provided therein.

Levels of education in the National Education System.

17. (1) The National Education System shall comprise —

- (a) pre-school education;
- (b) primary education;
- (c) secondary education;
- (d) post-secondary education; and
- (e) higher education,

but shall not include education in expatriate schools.

(2) In this section, "expatriate school" means a school that primarily caters for the education of children of a nationality other than that of Brunei Darussalam but may also enrol local children as its pupils.

Categories of educational institutions.

18. There shall be two categories of educational institutions, namely —

- (a) government educational institutions; and
- (b) private educational institutions.

(c) the name under which the educational institution is to be registered is, in his opinion, undesirable;

(d) the existing educational facilities are already adequate in the area in which it is proposed to open the educational institution;

(e) the area in which it is proposed to open the educational institution is unsuitable for the purpose;

(f) a statement which was false or misleading in a material particular has been made in or in relation to the application for registration;

(g) the person applying for the registration of the educational institution fails or refuses to comply with any of the conditions imposed by the Registrar General under section 80;

(h) the person appointed to be the chairman of the board of governors, head teacher, principal or chief executive is not a fit and proper or responsible person to act as such; or

(i) the proposed fees for the pupils are unreasonable.

Notice of refusal to register an educational institution.

84. (1) When the Registrar General refuses to register an educational institution under section 83, he shall inform the applicant in writing of the refusal, specifying the grounds of the refusal.

(2) An applicant aggrieved by the decision of the Registrar General under subsection (1) may, within 21 days of the communication being served on him, appeal to the Minister whose decision shall be final.

Prohibition on advertisement etc.

85. No person shall promote an educational institution, whether by advertisement, prospectus, brochure or otherwise, unless the educational institution has been registered or a provisional certificate of registration has been issued.

Grounds for cancellation of registration.

86. (1) The Registrar General may at any time cancel the registration of an educational institution if he is satisfied that it is expedient to do so on any of the following grounds —

Registration.

79. (1) Without prejudice to section 78 and subject to sections 75(3) and 80, the Registrar General shall, upon an application for the registration of an educational institution duly made and after such inquiry as he may consider necessary, and upon payment of the prescribed fee, register the educational institution and issue to the chairman of the board of governors or to the person responsible for the management of the educational institution a certificate of registration.

(2) The chairman of the board of governors or any other person responsible for the management of the educational institution shall cause a copy of the certificate of registration issued under subsection (1) to be exhibited in a conspicuous part of the premises of the educational institution.

Conditions of registration.

80. (1) The Registrar General may, prior to registration, impose such conditions as he considers necessary.

(2) The Registrar General may, at any time, add new conditions, or amend or cancel any of the conditions attached to the registration.

Change of address of educational institution.

81. No educational institution shall change the address of its premises without the prior written approval of the Registrar General.

Alterations to educational institutions premises.

82. Subject to the provisions of any other written law, no educational institution shall make any alteration to its premises without the prior written approval of the Registrar General.

Refusal to register an educational institution.

83. The Registrar General may refuse to register an educational institution if he is satisfied that any one or more of the following matters occur —

(a) the educational institution does not satisfy the prescribed standards of health and safety;

(b) educational institution is used or likely to be used for a purpose detrimental to the interests of Brunei Darussalam, the public or the pupils;

Medium of instruction.

19. (1) The Malay language shall be the main medium of instruction in all educational institutions.

(2) The English language may also be used as the medium of instruction, together with the Malay language, in all educational institutions.

(3) The Arabic language may be used as a medium of instruction in Arabic or other schools but in these schools the Malay language and the English language must be taught as compulsory subjects.

(4) The Minister may exempt an educational institution from using either the Malay language or the English language as a medium of instruction in appropriate cases.

National Curriculum to be used by all schools.

20. (1) All schools within the National Education System and registered under this Order shall use a curriculum known as the National Curriculum which shall be prescribed by the Minister.

(2) The National Curriculum prescribed under subsection (1) shall specify the knowledge, skills and values that are expected to be acquired by pupils at the end of their respective periods of schooling and shall include the core subjects and such other subjects as may be prescribed.

Preparation of pupils for prescribed examinations.

21. (1) Every school shall prepare its pupils for examinations prescribed by the Minister in any other written law.

(2) The Minister may make exemptions to subsection (1), subject to any conditions that he may think fit to impose.

Pre-school education.

22. The Minister may, subject to the provisions of this Order, establish and maintain kindergartens and pre-school classes.

Pre-school curriculum.

23. The programmes and activities of every kindergarten shall be based on the curriculum approved by the Minister.

Power to make regulations in relation to pre-school education.

24. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for giving effect to and carrying out the provisions of this section and of other sections that pertain to pre-school education.

Primary education.

25. (1) It shall be the Minister's duty to provide primary education in government schools.

(2) The Minister may, subject to the provisions of this Order, establish government primary schools and shall maintain such schools.

(3) The minimum age for entry into primary school shall be 6 years old.

(4) Notwithstanding subsection (3), the Minister may make an exception where he thinks fit and allow a pupil between the age of 5 and 6 years old to enter primary school.

(5) Subsections (3) and (4) shall also apply to private schools.

Secondary education.

26. (1) It shall be the duty of the Minister to provide secondary education in the following government secondary schools —

(a) academic secondary schools;

(b) secondary schools of such other description as the Minister may from time to time determine.

(2) The Minister may establish and maintain any such schools as described in subsection (1) subject to the provisions of this Order

Post-secondary education.

27. (1) The Minister may provide post-secondary education in —

(a) colleges; and

(b) such other educational institution as the Minister may from time to time determine.

Power to make regulations for supervision and control of standard of education.

74. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for the supervision, regulation and control of the standard of education in private educational institutions.

PART VII

REGISTRATION OF EDUCATIONAL INSTITUTIONS, GOVERNORS AND PUPILS

All educational institutions to be registered.

75. (1) Subject to the other provisions of this Order, every educational institution shall be registered under this Order.

(2) An application for registration under subsection (1) shall be made to the Registrar General in the prescribed manner.

(3) The Registrar General may impose such conditions as he considers necessary when registering an educational institution under subsection (1).

Non-application of section 75.

76. Section 75 does not apply to government educational institutions established by the Minister.

Register.

77. The Registrar General shall keep or cause to be kept a register of educational institutions in such form and manner as may be prescribed.

Provisional certificate of registration.

78. (1) Pending consideration on an application made under section 75(2), the Registrar General may, in his discretion, issue to the person who is to act as the chairman of the board of governors or the person responsible for the management of the educational institution a provisional certificate of registration in such form and subject to such conditions as may be prescribed.

(2) A provisional certificate of registration issued under subsection (1) may at the discretion of the Registrar General be revoked at any time by notice in writing served on the person to whom the certificate was issued.

- (5) If a private educational institution fails to comply with subsections (2) to (4), each member of the board of governors is guilty of an offence and liable on conviction to a fine not exceeding \$100,000.

Arrangement for continuation of pupils' education.

72. Upon the cessation of operations of a private educational institution, the board of governors shall —

- (a) subject to paragraph (c), make such arrangements as it considers necessary so as not to prejudice or bring about a loss to the interest, welfare or intention of pupils in continuing their education;
- (b) inform the Registrar General of the arrangements made under paragraph (a);
- (c) obtain the approval of the Registrar General before the arrangements can be realised; and
- (d) inform the Registrar General of the completion of the arrangements after they have been finalised.

Minister's powers in relation to courses of study or training programmes.

73. (1) A person, organisation or a private educational institution shall only conduct courses of study or training programmes which are conducted either independently or jointly, in association, affiliation or collaboration with another institute within or outside of Brunei Darussalam, with the Minister's approval in writing.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$30,000, imprisonment for a term not exceeding 2 years or both.

(3) The Minister's approval referred to in subsection (1) may be subject to such conditions as he considers necessary and to payment of the prescribed fee.

(4) A person in breach of any of the conditions imposed under subsection (3) or who defaults in payment of the prescribed fee is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

(2) Where post-secondary education is to be provided under subsection (1), the Minister may establish and maintain such institutions under the provisions of this Order.

Technical and vocational education.

28. (1) For the purposes of this Order, technical and vocational education includes —

- (a) skills training;
- (b) specialised training related to a specific job;
- (c) training for the upgrading of existing skills; and
- (d) such other technical or vocational training as may be approved by the Minister.

(2) The Minister shall be responsible for the general direction of technical and vocational education.

(3) The Minister may provide technical and vocational education in —

- (a) skills training centres or similar institutions;
- (b) vocational schools;
- (c) technical colleges;
- (d) nursing colleges;
- (e) technological institutions; and

(f) such other educational institutions as he may from time to time determine.

(4) The Minister may establish and maintain educational institutions to provide for the matters mentioned in subsection (3).

Establishment of Council of Technical and Vocational Education.

29. (1) The Minister may establish a Council on technical and vocational education.

(2) The Council established under subsection (1) shall be responsible for promoting and regulating technical and vocational education.

(3) The Council shall have the power to do all things expedient or reasonably necessary for or incidental to the carrying out of its functions.

(4) The Council shall be responsible to the Minister and the Minister may give the Council directions of a general character, not inconsistent with the provisions of this Order, and the Council shall give effect to such directions.

(5) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for giving effect to and carrying out the provision of this section and without prejudice to the generality of such power, may by the regulations provide for —

(a) the constitution of the Council;

(b) the conditions of office of the members;

(c) the meetings of the Council;

(d) the appointment of committees and sub-committees of the Council;

(e) the functions and powers of the Council; and

(f) such other matters as the Minister considers necessary for the proper functioning of the Council.

(6) Subject to this Order and any regulations made thereunder, the Council may regulate its own proceedings.

Minister to provide special education.

30. (1) The Minister shall provide special education in such government primary or secondary schools as he thinks fit and in any special school established by the Minister.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulation prescribe —

(a) the duration of primary and secondary education suitable to the needs of a pupil in receipt of special education;

(b) the curriculum to be used in respect of special education;

(c) the categories of pupils requiring special education and the methods appropriate for the education of pupils in each category of special schools; and

(2) In the event of incorporation under subsection (1), section 64 shall apply *mutatis mutandis*.

Cessation of private educational institutions.

71. (1) A private educational institution shall be deemed to have ceased its operations and its courses of studies if —

(a) the Minister withdraws his approval for its establishment under section 60(3)(c);

(b) the Registrar General cancels its registration under section 86(1);

(c) the board of governors has arrived at a decision to cease its operations;

(d) the limited company that established the educational institution has been wound up either —

(i) voluntarily by the board of directors; or

(ii) by an order of court; or

(e) the educational institution is forced to close down for any other reason.

(2) Where a private educational institution intends to cease its operations under subsection (1)(c) or (d)(i), it shall give at least one year's notice of this intention to the Registrar General.

(3) Where a private educational institution ceases to operate under subsection (1)(a), (b) or (d)(ii), it shall, within 21 days of receiving notice of the action taken under these paragraphs —

(a) give notice of its cessation to all pupils who are at the time attending courses within the institution by registered post; and

(b) publish notice of its cessation on at least two occasions in 2 newspapers circulating in Brunei Darussalam.

(4) Where a private educational institution ceases to operate under subsection (1)(e), the chief executive of that institution shall obtain directions from the Registrar General as to the method of announcing its cessation.

(3) Where the Minister is satisfied that in an educational institution the board of governors —

(a) has been acting or proposing to act unreasonably with respect to the exercise of any power conferred or the discharge of any duty imposed by or under this Order; or

(b) has failed to discharge any duty imposed on it by or under this Order,

the Minister may —

(i) give such directions in writing as to the exercise of the power or the discharge of the duty of the board of governors; or

(ii) suspend or dismiss all or any of the governors.

(4) If at any time an educational institution is without a board of governors constituted under this Order the Minister may appoint such person or persons as he may think fit to exercise the functions of the board of governors for such period as he may direct.

(5) Under this Order, the term "board of governors" means the group of persons elected or nominated to constitute the board and the term shall include any reference to the board of management of an educational institution and any other terminology used for the purpose of describing the board of governors.

Appointment of head teachers or principals and teachers under instrument of government.

69. (1) Every teacher in a private educational institution shall be appointed in accordance with the instrument of government of such institution.

(2) Under its instrument of government, the board of governors of a private educational institution shall appoint a person to act as the head teacher or principal of the institution for the purpose of administering the school and who shall be given the authority to act in respect of the teachers, staff and pupils of the institution.

Application of section 64 to other private educational institutions.

70. (1) Where a private educational institution other than a private higher educational institution is to be established, the applicant, after approval under section 60(3)(b), may incorporate the educational institution as a limited company.

(d) any other matter which he thinks expedient or necessary for the purposes of this section.

General directions in respect of teacher education.

31. (1) The Minister shall issue general directions in respect of teacher education.

(2) No person shall establish or maintain an institution that provides teacher education except with the approval of the Minister.

(3) Subject to subsection (2), all teacher education institutions shall be registered under this Order.

(4) The courses of study and training programmes in teacher education institutions may only be conducted upon receiving approval from the Minister for such courses and programmes, subject to such conditions as the Minister may think fit to impose.

(5) A teacher education institution established under this Order may award a certificate, diploma or such other qualification as may be prescribed.

(6) The Minister may establish and maintain teacher education institution and provide teacher education within such institutions.

(7) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for giving effect to and carrying out the provisions of this section in respect of institutions providing teacher education.

Islamic Education.

32. (1) It shall be compulsory for a pupil professing the Islamic religion in a school to be provided with Islamic Education.

(2) The provision of Islamic Education as required in subsection (1) shall be in accordance with the teachings of the Islamic religion according to Ahli Sunnah Wal Jamaah.

(3) In this section "Islamic Education" means a subject in the National Curriculum pertaining to matters relating to *fardhu 'ain* and *fardhu kifayah*.

Power of Minister to render financial assistance and to provide other facilities and services.

33. (1) Subject to any regulations made under this Order, the Minister may render assistance, whether financial or otherwise, in respect of pupils or any class

of pupils in government schools for the purpose of enabling the pupils to take full advantage of the educational facilities available to them and such assistance may include —

(a) the granting of scholarships, bursaries, loans or other financial assistance; and

(b) the provision of —

- (i) accommodation;
- (ii) transport; and
- (iii) books.

(2) Without prejudice to the generality of the powers conferred by this section, the Minister shall, so far as it is reasonable and practicable so to do, provide for counseling services and for the medical and dental inspection of pupils of government schools for the purpose of promoting their health and well-being.

(3) An officer authorised by the Minister to provide medical or dental inspection of pupils may require the parent or guardian of a pupil of a government school to cause the pupil to undergo medical or dental inspection in accordance with the arrangements made by the school authorities, or by a registered medical or dental practitioner.

(4) A person who fails without reasonable cause to comply with subsection (3) is guilty of an offence and shall on conviction be liable to a fine not exceeding \$5,000.

Assessment of pupils.

34. The Minister may prescribe the manner in which pupils in primary and secondary schools shall be assessed and the standards to be achieved by the pupils.

PART V

HIGHER EDUCATION

Minister to be responsible for higher education.

35. (1) The Minister may provide higher education in an educational institution in accordance with the provisions of this Order or any other written

Instrument of government of private educational institution.

66. (1) Subject to the provisions of this Order, every private educational institution shall have an instrument of government, and the educational institution shall be managed in accordance with the provisions of its instrument of government.

(2) Every instrument of government shall provide for the constitution of a board of governors, with a chairman, for the governance of the educational institution by the governors in a manner consistent with this Order and any regulations made thereunder.

(3) The constitution of a board of governors may make provision for the inclusion of a person nominated by the Minister to be on the board of governors.

(4) Every instrument of government shall be made, amended or revoked in such manner as may be prescribed by regulations.

Power to make regulations in relation to instruments of government.

67. Subject to section 66(2), the Minister shall, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulation regulate the methods of establishing a board of governors and the management of an educational institution and, without prejudice to the generality of such power, the Minister may, in the regulations, prescribe the powers and duties of the appointed governors and other persons thereof responsible for the management of such educational institution.

Power of Minister to appoint or remove additional governors.

68. (1) The Minister may appoint by name such additional governors of an educational institution as he may think fit if he is satisfied that —

(a) discipline in the educational institution is not being adequately maintained;

(b) the terms of the instrument of government of the educational institution are being disregarded; or

(c) any provisions of this Order or any regulations made thereunder are being disregarded.

(2) The Minister, at his discretion, may at any time remove an additional governor appointed under subsection (1).

- (e) the applicant or any of his partners or any member of the board of governors has not been convicted of any offence involving fraud or dishonesty and has never been adjudged bankrupt.

Notice of refusal.

62. (1) Upon refusal by the Minister to allow the establishment of a private educational institution, the Registrar General shall inform the applicant in writing of the refusal of the application and specifying the grounds of the refusal.

- (2) The decision of the Minister to refuse the application is final.

Payment of fee.

63. Upon approval of an application to establish a private educational institution, the applicant shall pay the prescribed fee.

Incorporation of a limited company.

64. (1) In the case of a private higher educational institution, upon approval of an application under section 60, the successful applicant is required to register and incorporate a limited company in accordance with the requirements of the Companies Act (Chapter 39) whose main purpose listed in its memorandum and articles of association is the establishment and management of the higher educational institution.

- (2) The Minister may prescribe minimum requirements and other related matters for the company to comply with and these requirements and matters are to be incorporated into the company's proposed memorandum of association.

Registration of a private higher educational institution.

65. (1) Subject to the provisions of this Order, every private educational institution shall register under this Order within 5 years of the date of approval of application.

- (2) If a private educational institution is not registered within the time specified in subsection (1), the approval granted for its establishment shall be deemed to have been withdrawn, unless an extension of time is granted in writing by the Minister.

law relating to higher education and shall be responsible for the general direction thereof.

- (2) The Minister may establish and maintain higher educational institutions and provide higher education within such institutions.

Prohibition in respect of establishment of higher educational institution.

36. (1) No person shall, except in accordance with the provisions of this Order or any other written law relating to higher education —

(a) establish, form, promote or carry on any activity for the purpose of establishing or forming, or towards the establishment or formation of, a higher educational institution;

(b) collect, give or receive any monies, contributions, gifts or donations, or do any act or carry on any activity for the purpose of establishing or forming a higher educational institution;

(c) operate, manage or maintain any class for the teaching and learning of higher education unless the class is being operated, managed or maintained by a higher educational institution; and

(d) establish, operate, manage or maintain a higher educational institution by the use of the word "university".

- (2) A person who contravenes subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000, imprisonment for a term not exceeding 2 years or both.

Management.

37. (1) Every higher educational institution shall be managed in strict accordance with its instrument of government.

- (2) The approved instrument of government of a higher educational institution established under section 35 or 56 or of a branch or associate institution established under section 39 shall not be changed or amended without obtaining prior approval of the Registrar General.

Approval of Minister required to establish branch or associate institution.

38. The board of governors of a higher educational institution, private or otherwise, shall not establish a branch or associate institution nor shall they

collaborate with any other higher educational institution without the approval in writing of the Minister.

Application to establish branch or associate institution.

39. (1) An application for approval for the purposes of section 38 shall be made to the Registrar General and upon receipt of such an application, the Registrar General shall —

- (a) examine the application;
 - (b) in relation to its instrument of government, consider the constitution of the higher educational institution; and
 - (c) make appropriate recommendations to the Minister with respect to —
 - (i) its approval or otherwise; and
 - (ii) any conditions that may be considered necessary.
- (2) Subject to subsection (1), the Minister may —
- (a) approve the application with or without any conditions;
 - (b) approve the constitution contained in the instrument of government; or
 - (c) refuse the application and specify the grounds of the refusal.
- (3) Where the Minister approves the application under subsection (2)(a), he may require the applicant to pay the prescribed fee.
- (4) Upon refusal of the application under subsection (2)(c), the Registrar General shall inform the applicant in writing of the Minister's decision.
- (5) The decision of the Minister to refuse an application is final.

Courses of study and training.

40. (1) A higher educational institution shall require the Minister's approval in writing for the purposes of —

- (a) conducting any course of study or training programme; and

(e) educational institutions providing technical and vocational education;

(f) higher educational institutions;

(g) tuition centres.

Application for establishing private educational institution.

60. (1) An application for the establishment of a private educational institution shall be made to the Registrar General.

(2) The Registrar General shall —

- (a) consider the application; and
- (b) make recommendations to the Minister with respect to the approval or otherwise of the application and any conditions that may be considered necessary.

(3) Subject to subsection (2), the Minister may —

- (a) refuse the application;
- (b) approve the application with or without any conditions; or
- (c) at any time, withdraw an approval made under paragraph (b) with reasonable cause.

Refusal to allow the establishment of a private educational institution.

61. The Minister may refuse an application to establish a private educational institution unless he is satisfied that —

- (a) the applicant is capable of providing adequate educational facilities;
- (b) the applicant is capable of providing adequate and efficient management and administration for the operation of the institution;
- (c) adequate measures have been taken to ensure and maintain the prescribed standards of education;
- (d) a proper administration system and an instrument of government of the intended higher educational institution has been prepared for the approval of the Registrar General; and

Non-application of sections 43 and 51.

55. Sections 43 and 51 do not apply to higher educational institutions established by the Minister.

PART VI

PRIVATE EDUCATIONAL INSTITUTIONS

Establishment of private educational institution.

56. (1) Approval from the Minister is required for the establishment and maintenance of a private educational institution.

(2) A limited company or any other person may establish and maintain an educational institution subject to the provisions of this Order and any regulations made thereunder.

Compliance with the National Curriculum.

57. A private academic school established under section 56 shall comply with the National Curriculum.

Malay Islamic Monarchy as a post-secondary subject.

58. Every private academic educational institution at the post-secondary level is required to teach the philosophy of the Malay Islamic Monarchy as one of its subjects in addition to any other subject or course of study taught in the institution.

Categories of private educational institutions.

59. A private educational institution shall fall into one or more of the following categories —

- (a) pre-school classes and kindergartens;
- (b) primary schools;
- (c) secondary schools;
- (d) colleges and other educational institutions providing post-secondary education;

1012

(b) conducting any course of study or training programme jointly, in association, affiliation or collaboration or otherwise —

(i) with a university or a higher educational institution (where the former or latter may either be a private or government institution); or

(ii) with a professional body,

within or outside Brunei Darussalam.

(2) The Minister shall give his approval under subsection (1) if he is satisfied —

(a) that the higher educational institution has made suitable arrangements with respect to the educational facilities available for the provision of the intended course of study or training programme referred to in that subsection;

(b) that the quality of the intended course of study or training programme is of a standard which is acceptable to the Minister; and

(c) that the intended course of study or training programme is relevant with respect to the Minister's power to provide higher education under section 35.

(3) An employee of the higher educational institution acting on its behalf in respect of subsection (1) is guilty of an offence if he contravenes that subsection and is liable on conviction to a fine not exceeding \$200,000, imprisonment for a term not exceeding 2 years or both.

(4) The Minister, upon approval of an application under subsection (1), may impose any one or both of the following —

(a) such conditions as he thinks fit; and

(b) the prescribed fee.

(5) A person who fails to comply with any condition or fee imposed under subsection (4) is guilty of an offence and is liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 6 months or both.

1005

Malay Islamic Monarchy as a compulsory subject.

41. (1) Every higher educational institution shall comply with the National Education Policy as provided in section 16(1) by incorporating the philosophy of the Malay Islamic Monarchy as a compulsory subject into its teaching syllabus.

(2) The subject referred to in subsection (1) shall be taught as an addition to the existing subjects or other course of study being taught in the higher educational institution.

Award of degrees and diplomas.

42. (1) The award of a degree or a diploma to a person by a higher educational institution may only be made if that person has attained the minimum standard required for the purposes of that degree or diploma as has been determined by the relevant authority.

(2) Subject to subsection (1), a degree may only be awarded by a higher educational institution that has the status of a registered university or university college or a branch campus.

Chief executive.

43. (1) Every higher educational institution shall appoint a chief executive who shall be registered as such by the Registrar General.

(2) The Registrar General may refuse to register or may cancel the registration of a chief executive appointed under subsection (1) if —

(a) it is proved that he has been convicted of any of the following offences —

- (i) an offence involving fraud, dishonesty or immorality;
 - (ii) an offence under any law involving bribery;
 - (iii) an offence under any law involving the Islamic Religion; or
 - (iv) any other offence punishable with imprisonment for a term of not less than 2 years;
- (b) he is adjudged bankrupt;
- (c) he is of unsound mind or unfit to fulfil his responsibilities; or

Minister's power to make regulations in respect of higher educational institution.

54. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations in respect of higher educational institutions for the supervision, regulation or control of the standard of education in those institutions and may, without prejudice to the generality of this rule, include the following —

- (a) their registration, establishment and management;
- (b) the appointment and determination of the powers and duties of the chief executives, other officers of the institutions, teachers and employees;
- (c) the registration and the cancellation of registration of the chief executives and teachers of the institutions;
- (d) the course of studies and training programmes;
- (e) assessments, evaluation and examinations of pupils;
- (f) the award of certificates, diplomas or degrees;
- (g) health and safety;
- (h) the prescription and determination of fees;
- (i) the provision of facilities;
- (j) affiliation, association and collaboration set up between higher educational institutions;
- (k) the discipline and behaviour of pupils;
- (l) student associations;
- (m) council, bodies or committees for extra-curricular activities;
- (n) the closure of institutions;
- (o) examinations; and
- (p) such other matters considered necessary by the Minister.

(a) to immediately suspend or dissolve a student body or organisation upon receiving from the Registrar General a direction under section 49; and

(b) to inform the Registrar General of the execution of that direction within a period of 3 weeks of its receipt.

(2) Failure to execute his duties under subsection (1) may result in the cancellation of the chief executive's registration.

Prohibition to teach.

51. No person shall teach in a higher educational institution unless he has a certificate of registration issued under section 105 or, pending an application, a permit to teach issued under section 108(1)(b).

Power to close a higher educational institution.

52. (1) Where the Minister has reasonable cause to believe that a private higher educational institution —

(a) has failed to fulfill its obligations to its pupils;

(b) is about to suspend its operations; or

(c) is conducting its activities in a manner that is detrimental to the interests of Brunei Darussalam, public order or its pupils,

the Minister may take such action that he thinks necessary to ensure that management of the higher educational institution is in compliance with the provisions of this Order.

(2) Where the Minister acts under subsection (1) and issues directions, a higher educational institution shall forthwith comply with those directions.

(3) Where the higher educational institution fails to comply with the directions issued under subsection (2), the Minister may cancel its registration under this Order.

Minister's power to issue directions.

53. The Minister may issue directions, not inconsistent with this Order in respect of matters enforceable under it, to the board of governors, chief executive or teachers of a higher educational institution, and such board of governors, chief executive or teachers shall forthwith comply with the directions issued to them.

(d) he acts in a manner that is detrimental to the interest of Brunei Darussalam, the public or the pupils of the higher educational institution.

(3) A person who is aggrieved by the decision of the Registrar General made under subsection (2) may within 21 days appeal against the refusal or cancellation of registration in the manner prescribed by regulations made under section 128.

(4) The chief executive shall, subject to the provisions of this Order and the constitution of the higher educational institution, carry on the general supervision of all matters in respect of the teaching, administration, daily management, welfare and discipline in the higher educational institution.

(5) Any application related to and for the purposes of a higher educational institution shall be made by the chief executive, unless it is otherwise provided in this Order or any regulations made thereunder.

(6) All notices, information and other communications required to be made by the Registrar General to a higher educational institution shall be addressed to the chief executive of that institution.

(7) A person who, in respect of a higher educational institution that has been closed down either voluntarily or involuntarily —

(a) is a member of the board of directors of a company referred to in section 64(1);

(b) was the person appointed as the chief executive of the higher educational institution; or

(c) was directly involved in the management or business of the higher educational institution,

shall not hold the same position or have the same responsibilities with respect to another higher educational institution.

Chief executive's duties in respect of pupils' discipline.

44. (1) The chief executive shall be responsible for the discipline and behaviour of the pupils in a higher educational institution.

(2) In the discharge of his duties under subsection (1), the chief executive shall comply with and carry out any directions issued from time to time by the Registrar General in relation to the discipline and behaviour of the pupils within that higher educational institute.

Power of Registrar General with respect to the chief executive.

45. Where the chief executive —

(a) has acted or intends to act in an unreasonable manner with respect to the exercise of his powers or in the discharge of his duties; or

(b) has failed to discharge his duties provided in section 43(4),

the Registrar General may, having given him the opportunity to make representations —

(i) give the chief executive directions in writing; or

(ii) cancel his registration as a chief executive.

(2) Where the chief executive is aggrieved by any decision of the Registrar General under subsection (1), he may within 21 days appeal to the Minister whose decision shall be final.

Appointment of temporary chief executive.

46. (1) If, at any given time and for any given reason, a higher educational institution does not have a chief executive, the Registrar General may appoint any person to temporarily act as the chief executive of that higher educational institution for a period of not more than 3 months or until such time that the higher educational institution appoints one within that 3 months.

(2) The failure of a higher educational institution to appoint a chief executive within the 3 months period referred to in subsection (1) will result in the cancellation of its registration.

Prohibition against any political involvement.

47. (1) No person shall, whilst being a pupil in a higher educational institution —

(a) be a member of or associate with any political party or workers' union within or outside Brunei Darussalam;

(b) be a member of or associate with any organisation, body or group within or outside Brunei Darussalam that is in contravention of the Constitution of the country or which in the opinion of the Minister is undesirable and unsuitable to the philosophy of the Malay Islamic Monarchy; or

(c) be a member of a student body or student organisation that is associated with or affiliated to or has any other involvement with any political party or workers' union or any other organisation, body or group of persons within or outside Brunei Darussalam which in the opinion of the Minister is undesirable or unsuitable to the philosophy of the Malay Islamic Monarchy.

(2) No person shall, whilst being a pupil in a higher educational institution, behave in a manner that represents support and sympathy for the causes and objectives of any political party or workers' union or any other organisation, body or group of persons referred to in subsection (1).

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence and shall on conviction be liable to a fine not exceeding \$1,000.

Exemption to section 47.

48. Section 47 does not apply to any student body, society or organisation that is provided for under the constitution of a higher educational institution.

Power of Registrar General to direct the suspension or dissolution of student body or organisation.

49. (1) The Registrar General may direct the chief executive of a higher educational institution to suspend or order the dissolution of a student body or organisation if it is shown that the student body or organisation —

(a) is being conducted in a manner detrimental to the interests of —

(i) Brunei Darussalam;

(ii) public order; or

(iii) the pupils of that institution; or

(b) is in contravention of any provisions of any written law.

(2) Notwithstanding subsection (1), the Registrar General shall only issue such direction if, after giving the student body or organisation the opportunity to make a representation to the contrary, he is satisfied that a suspension or a dissolution is justified under subsection (1).

Duty of chief executive to execute direction under section 49.

50. (1) It shall be the duty of the chief executive —