



# LAWS OF MALAYSIA

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**Act 550**

**EDUCATION ACT 1996**

*As at July 2016*

## EDUCATION ACT 1996

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**LAWS OF MALAYSIA****Act 550****EDUCATION ACT 1996**

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**LAWS OF MALAYSIA****Act 550****EDUCATION ACT 1996**

An Act to provide for education and for matters connected therewith.

[31 December 1997, P.U. (B) 541/1997]

WHEREAS acknowledging that knowledge is the key determinant of the destiny and survival of the nation:

AND WHEREAS the purpose of education is to enable the Malaysian society to have a command of knowledge, skills and values necessary in a world that is highly competitive and globalised, arising from the impact of rapid development in science, technology and information:

AND WHEREAS education plays a vital role in achieving the country's vision of attaining the status of a fully developed nation in terms of economic development, social justice, and spiritual, moral and ethical strength, towards creating a society that is united, democratic, liberal and dynamic:

AND WHEREAS it is the mission to develop a world-class quality education system which will realise the full potential of the individual and fulfill the aspiration of the Malaysian nation:

AND WHEREAS the National Education Policy is based on the National Philosophy of Education which is expressed as follows:

“Education in Malaysia is an ongoing effort towards further developing the potential of individuals in a holistic and integrated manner so as to produce individuals who are intellectually,

spiritually, emotionally and physically balanced and harmonious, based on a firm belief in and devotion to God. Such an effort is designed to produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving a high level of personal well-being as well as being able to contribute to the betterment of the family, the society and the nation at large”:

AND WHEREAS the above policy is to be executed through a national system of education which provides for the national language to be the main medium of instruction, a National Curriculum and common examinations; the education provided being varied and comprehensive in scope and which will satisfy the needs of the nation as well as promote national unity through cultural, social, economic and political development in accordance with the principles of Rukunegara:

AND WHEREAS it is considered desirable that regard shall be had, so far as is compatible with that policy, with the provision of efficient instruction and with the avoidance of unreasonable public expenditure, to the general principle that pupils are to be educated in accordance with the wishes of their parents:

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

## PART I

### PRELIMINARY

#### **Short title and commencement**

**1.** This Act may be cited as the Education Act 1996 and shall come into force on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for different provisions of this Act.



## **Interpretation**

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

“age”, in relation to a pupil, means the age attained by the pupil on the first day of the first month of the school year in question;

“appointed date” means the date of coming into force of this Act;

“approved fees” means fees approved by the Minister;

“Assistant Registrar” means an Assistant Registrar of Educational Institutions or Assistant Registrar of Teachers, as the case may be, appointed under subsection 5(3);

“capital grant” means a payment from public funds to an educational institution for—

- (a) the provision of buildings;
- (b) the alteration to or extension of existing premises;
- (c) the provision of furniture or equipment for new, altered or extended premises; or
- (d) such other purposes as may be prescribed;

“Chief Inspector” means the Chief Inspector of Schools appointed under subsection 6(1);

“Chinese language” means the form of the Chinese language commonly known as Mandarin;

“compulsory education” means primary education which is prescribed to be compulsory education under subsection 29A(1);

“correspondence” means correspondence delivered by hand or by post;

“correspondence school” means an organization or institution providing instruction or teaching by means of correspondence;

“Director of Education” means a Director of Education of a State or Federal Territory appointed under section 4;

“Director General” means the Director General of Education appointed under section 3;

“distance education centre” means a place, an organization or an institution providing instruction or teaching—

- (a) exclusively through the medium of electronics;
- (b) exclusively through correspondence;
- (c) partly through the medium of electronics and partly through correspondence or other methods of instruction; or
- (d) partly through the medium of electronics and partly through correspondence and other methods of instruction;

“Education Officer”, in relation to a district or an area, means an education officer appointed under paragraph 4(b);

“Education Service” means a public service under paragraph (h) of Clause (1) of Article 132 of the Federal Constitution;

“educational institution” means a school or any other place where, in the carrying on of the work of an organization or institution, persons are habitually taught, whether in one or more classes, and includes a kindergarten and a distance education centre but does not include—

- (a) any place where the teaching is confined exclusively to the teaching of any religion; or
- (b) any place declared by the Minister by notification in the *Gazette* not to be an educational institution for the purposes of this Act;

“employee” means a person employed by a board of governors, other than a governor, a teacher or such other person as may be appointed or nominated by the Minister under subsection 58(2) or 61(2), as the case may be, employed or actively taking part in work connected with the running or the administration of an educational institution;

“extension education” means a full-time or part-time education for persons who are not following the usual course of study at an educational institution;

“government school” or “government educational institution” means a school or an educational institution established and fully maintained by the Minister under Part IV;

“government-aided school” or “government-aided educational institution” means a school or an educational institution in receipt of capital grant and full grant-in-aid;

“governor” means a person who is empowered under an instrument of government to administer or manage an educational institution;

“grant-in-aid” means any payment from public funds, other than a capital grant, made to an educational institution;

“higher education” means education provided by a higher educational institution;

“higher educational institution” means an educational institution providing higher education leading to the award of a diploma, degree or the equivalent thereof;

“institute of teacher education” means an educational institution providing teacher education leading to the award of a certificate, a diploma, a teaching degree or the equivalent thereof, or any other qualification as prescribed;

“instrument of government” means an instrument of government as specified in section 53;

“kindergarten” means any place where pre-school education is provided to ten or more pupils;

“lower secondary education” means a three-year course appropriate for a pupil who has completed primary education;

“National Curriculum” means such curriculum as may be prescribed;

“national language” means the Malay language as stipulated in Article 152 of the Federal Constitution;

“national school” means a government or government-aided primary school—

- (a) providing primary education appropriate for pupils from the age of six years;
- (b) using the national language as the main medium of instruction;
- (c) in which the English language is a compulsory subject of instruction; and
- (d) in which facilities for the teaching of—
  - (i) the Chinese or Tamil language shall be made available if the parents of at least fifteen pupils in the school so request; and
  - (ii) indigenous languages shall be made available if it is reasonable and practicable so to do and if the parents of at least fifteen pupils in the school so request;

“national secondary school” means a government or government-aided secondary school—

- (a) providing a five-year course of secondary education appropriate for pupils who have just completed primary education;

- (b) using the national language as the main medium of instruction;
- (c) in which the English language is a compulsory subject of instruction;
- (d) in which facilities for the teaching of—
  - (i) the Chinese or Tamil language shall be made available if the parents of at least fifteen pupils in the school so request;
  - (ii) indigenous languages shall be made available if it is reasonable and practicable so to do and if the parents of at least fifteen pupils in the school so request; and
  - (iii) Arabic, Japanese, German or French or any other foreign language may be made available if it is reasonable and practicable so to do; and
- (e) preparing pupils for such examinations as may be prescribed,

and includes any such school providing a transition class;

“national-type school” means a government or government-aided primary school—

- (a) providing primary education appropriate for pupils from the age of six years;
- (b) using the Chinese or Tamil language as the main medium of instruction; and
- (c) in which the national and English languages are compulsory subjects of instruction;

“parent” includes a guardian and any person who has the legal or actual control of a pupil;

“place” means any place, whether public or private;

“post-secondary education” means education provided to a person who has completed upper secondary education, but does not include higher education;

“pre-school curriculum” means the National Pre-school Curriculum prescribed by the Minister under section 22;

“pre-school education” means an educational programme for pupils from the ages of four to six years;

“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;

“prescribed” means prescribed by regulations made under this Act;

“primary education” means a course of study at primary level which is designed for a duration of six years but which may be completed within five to seven years;

“primary school” means a school providing primary education appropriate for pupils from the age of six years;

“private school” or “private educational institution” means a school or an educational institution which is not a government or government-aided school or 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 Act;

“Registrar” means the Registrar Educational Institutions and Teachers appointed under subsection 5(3) and includes the Registrar General;

“Registrar General” means the Registrar General of Educational Institutions and Teachers appointed under subsection 5(1), and includes the Deputy Registrar General of Educational Institutions and Teachers appointed under subsection 5(2);

“school” means a place where ten or more persons are habitually taught whether in one or more classes, but does not include any place where the teaching is confined exclusively to the teaching of any religion;

“secondary education” means education comprising lower secondary and upper secondary education;

“secondary school” means a school providing secondary education appropriate for a pupil who has just completed primary education;

“special education” means education that caters for pupils with special needs;

“special school” means a school providing special education as prescribed by regulations made under section 41;

“State Authority” means the Ruler or Yang di-Pertua Negeri of a State and, in the case of a Federal Territory, the Yang di-Pertuan Agong;

“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;

“transition class” means a class in a secondary school providing one year of instruction to pupils from a primary school using a language other than the national language as the medium of instruction prior to the commencement of the lower secondary education;

“upper secondary education” means education suitable to the abilities and aptitudes of a pupil who has completed lower secondary education;

“vocational college” means an educational institution established and fully maintained by the Minister under section 33A;

“Vocational College Standard Curriculum” means the Vocational College Standard Curriculum prescribed under section 33B.

## PART II

### ADMINISTRATION

#### **Appointment and duty of Director General of Education**

**3.** (1) There shall be a Director General of Education who shall be appointed by the Yang di-Pertuan Agong from amongst the officers in the Education Service.

(2) The Director General shall have the powers and exercise the functions conferred on him by this Act, and shall advise the Minister on matters pertaining to education.

#### **State Directors of Education and other Education Officers**

**4.** There shall be—

- (a) for each State or for such other area in Malaysia as may be determined by the Minister a Director of Education; and
- (b) for each district or for such other area in a State as may be determined by the Minister an Education Officer designed as such for the purposes of this Act, who shall be appointed by the Minister.



### **Registrar General of Educational Institutions and Teachers**

5. (1) There shall be a Registrar General of Educational Institutions and Teachers who shall be appointed by the Minister.

(2) The Minister may appoint a Deputy Registrar General of Educational Institutions and Teachers.

(3) The Minister shall appoint a Registrar of Educational Institutions and Teachers for each State and for such area within Malaysia as may be determined by the Minister, and may appoint such numbers of Deputy Registrars of Educational Institutions and Teachers, Assistant Registrars of Schools and Assistant Registrars of Teachers as may be considered necessary for the purposes of this Act.

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

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

(6) The Registrar, the Deputy Registrar or the Assistant Registrar may exercise all the powers and functions conferred on the Registrar General by or under this Act, subject to any restriction that may be imposed by the Registrar General.

### **Chief Inspector of Schools and Inspectors of Schools**

6. (1) The Minister shall appoint a Chief Inspector of Schools.

(2) The Minister shall appoint such other Inspectors of Schools as may be considered necessary for the purposes of this Act.

(3) All Inspectors of Schools appointed under subsection (2) shall be subject to the direction and control of the Chief Inspector of Schools.

**Director of Examinations**

7. (1) The Minister shall appoint a Director of Examinations and may appoint such other officers to act under the general direction and control of the Director of Examinations as he may consider necessary for the purposes of this Act.

(2) The Director of Examinations shall, subject to any regulations made under section 68, be responsible for the conduct of examinations for the purposes of this Act.

**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 character, and not inconsistent with the provisions of this Act, 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 Act and regulations made under this Act, 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) a governor or any member of a board appointed under subsection 61(1), or an employee or head teacher, of an educational institution; and
- (b) a member of the Central Board established under section 92 of the Education Act 1961 [*Act 43 of 1961*], directions,

not inconsistent with the provisions of this Act or any regulations made under this Act, in relation to any matter in respect of which regulations may be made under this Act, and the governor, member, employee or head teacher shall give effect to every such direction.

**Change of names**

**9A.** (1) All references to the “Registrar General of Schools and Teachers”, “Deputy Registrar General of Schools and Teachers”, “Registrars of Schools and Teachers” and “Assistant Registrars of Schools and Teachers” in any instrument, document, agreement or working arrangement subsisting immediately before the date of coming into operation of this Act shall, on and after the date of coming into operation of this Act, be construed as references to the “Registrar General of Educational Institutions and Teachers”, “Deputy Registrar General of Educational Institutions and Teachers”, “Registrars of Educational Institutions and Teachers” and “Assistant Registrars of Educational Institutions and Teachers” respectively.

(2) The change of names from the “Registrar General of Schools and Teachers”, “Deputy Registrar General of Schools and Teachers”, “Registrars of Schools and Teachers” and “Assistant Registrars of Schools and Teachers” to “Registrar General of Educational Institutions and Teachers”, “Deputy Registrar General of Educational Institutions and Teachers”, “Registrars of Educational Institutions and Teachers” and “Assistant Registrars of Educational Institutions and Teachers” respectively shall not affect any powers, rights, privileges, liabilities, duties or obligations of the “Registrar General of Schools and Teachers”, “Deputy Registrar General of Schools and Teachers”, “Registrars of Schools and Teachers” and “Assistant Registrars of Schools and Teachers”, or render defective any legal proceeding by or against them.

**PART III****NATIONAL EDUCATION ADVISORY COUNCIL****National Education Advisory Council**

**10.** (1) There may be established for the purposes of this Act a National Education Advisory Council.

(2) The National Education Advisory Council shall consist of a chairman and such other persons as may be appointed by the Minister.

(3) Subject to regulations made under this Part, each member of the National Education Advisory Council shall hold office for such term and subject to such conditions as may be specified in his letter of appointment.

(4) Any appointment made in pursuance of this section shall be published in the *Gazette*.

### **Functions of National Education Advisory Council**

**11.** (1) The Minister may refer to the National Education Advisory Council any matter relating to education for its advice.

(2) The National Education Advisory Council shall, when any matter is referred to it under subsection (1), consider such matter and submit to the Minister its advice thereon.

### **Right of attendance**

**12.** The Minister may attend, and may nominate representatives to attend, any meeting of the National Education Advisory Council.

### **Power to make regulations in relation to National Education Advisory Council**

**13.** The Minister may make regulations for the purpose of giving effect to the provisions of this Part, and, without prejudice to the generality of such power, may by the regulations provide for—

- (a) the number of members of the Council;
- (b) the terms and conditions of office of members;

- (c) meetings and procedures of the Council;
- (d) the appointment of committees and sub-committees of the Council; and
- (e) such other matters as the Minister considers necessary for the proper functioning of the Council.

**National Education Advisory Council may regulate its own procedure**

**14.** Subject to this Act and any regulations made under this Act, the National Education Advisory Council may regulate its own procedure.

PART IV

NATIONAL EDUCATION SYSTEM

*Chapter 1—The National Education System*

**National Education System**

**15.** 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 or international schools.

**Categories of educational institutions**

**16.** There shall be three categories of educational institutions in the National Education System, namely—

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

**National language as the main medium of instruction**

**17.** (1) The national language shall be the main medium of instruction in all educational institutions in the National Education System except a national-type school established under section 28 or any other educational institution exempted by the Minister from this subsection.

(2) Where the main medium of instruction in an educational institution is other than the national language, the national language shall be taught as a compulsory subject in the educational institution.

**National Curriculum to be used by all schools**

**18.** (1) The Minister shall prescribe a curriculum to be known as the National Curriculum which, subject to subsection (3), shall be used by all schools in the National Education System.

(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 as set out in the Schedule and such other subjects as may be prescribed.

(3) In the case of private schools, subsection (1) shall be deemed to have been complied with if the core subjects of the National Curriculum as set out in the Schedule are taught in the schools.

(4) The Minister may from time to time by order published in the *Gazette* add to, amend or alter the Schedule.

### **Schools to prepare pupils for prescribed examination**

**19.** Every school shall prepare its pupils for examinations prescribed by or under this Act or any regulations made under this Act unless otherwise exempted by or under this Act.

### *Chapter 2—Pre-School Education*

### **Prohibition against the establishment, operation or management of kindergartens**

**20.** (1) No kindergarten shall be established, operated or managed unless it is registered under this Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence.

### **Power of Minister to establish kindergartens**

**21.** The Minister may subject to the provisions of this Act establish and maintain kindergartens.

### **National Pre-school Curriculum to be used by all kindergartens**

**22.** (1) The Minister shall prescribe a curriculum, to be known as the National Pre-school Curriculum that shall be used by all kindergartens in the National Education System.

(2) The National Pre-school Curriculum prescribed under subsection (1) shall specify the knowledge, skills and values that are expected to be acquired by the pupils at the end of their respective period of pre-school education.

(3) Any kindergarten intending to implement any curriculum in addition to the National Pre-school Curriculum shall, before implementing such additional curriculum, obtain the written approval of the Registrar General of such intention in such manner as may be prescribed.

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

### **Language of instruction in kindergartens**

**23.** Notwithstanding subsection 17(1), languages other than the national language may be used as a medium of instruction in kindergartens, but where a kindergarten uses a language other than the national language, the national language shall be taught as a compulsory subject.

### **Power to make regulations in relation to pre-school education**

**24.** The Minister may make regulations for the carrying out of the provisions of this Chapter.

### **Chapter 2 not applicable to child care centres**

**25.** The provisions of this Chapter shall not apply to a child care centre established and registered under any written law relating to such centre.

### **Non-application of sections 18 and 19**

**26.** Sections 18 and 19 shall not apply to kindergartens.



Chapter 3—Primary Education

**Minister to provide primary education**

27. It shall be the duty of the Minister to provide primary education in government and government-aided primary schools.

**Establishment and maintenance of national and national-type schools**

28. Subject to the provisions of this Act, the Minister may establish national schools and national-type schools and shall maintain such schools.

**Duration of primary education**

29. A national school, national-type school or private school established under this Act shall provide a course of primary education design for a duration of six years but which may be completed within five to seven years.

**Compulsory primary education**

29A. (1) The Minister may, by order published in the *Gazette*, prescribe primary education to be compulsory education.

(2) Every parent who is a Malaysian citizen residing in Malaysia shall ensure that if his child has attained the age of six years on the first day of January of the current school year that child is enrolled as a pupil in a primary school in that year and remains a pupil in a primary school for the duration of the compulsory education.

(3) The Minister may, if he considers it desirable and in the interest of the pupils or the public to do so, by order published in the *Gazette*, exempt any pupil or any class of pupils from the requirement to attend compulsory education, either absolutely or subject to such conditions as he may think fit to impose, and may at any time in his

discretion revoke the exemption or revoke or alter or add to such conditions.

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

(5) The Minister may make regulations for the carrying into effect of the provisions of this section.

#### *Chapter 4—Secondary Education*

#### **Minister to provide secondary education**

**30.** (1) It shall be the duty of the Minister to provide secondary education in the following national secondary schools:

- (a) academic secondary schools;
- (b) technical secondary schools; and
- (c) secondary schools of such other descriptions as the Minister may from time to time determine.

(2) Subject to the provisions of this Act, the Minister may provide upper secondary education in any national secondary school.

#### **Establishment and maintenance of secondary schools**

**31.** Subject to the provisions of this Act, the Minister may establish and maintain any of the schools described in section 30.

#### **Transition class**

**32.** The Minister may provide for a transition class in any academic national secondary school.

*Chapter 5—Post-Secondary Education*

**Post-secondary education**

- 33.** The Minister may provide post-secondary education in—
- (a) the national secondary schools described in paragraphs 30(1)(a) and (1)(b);
  - (b) colleges; and
  - (c) any other national secondary school or educational institution established and maintained by the Minister under this Act.

*Chapter 5A – Vocational Colleges*

**Establishment and maintenance of vocational college**

**33A.** (1) Subject to the provisions of this Act, the Minister may establish and fully maintain a vocational college.

(2) A vocational college established under subsection (1) shall provide technical and vocational education and training for pupils who have completed lower secondary education.

**Vocational College Standard Curriculum to be used by vocational colleges**

**33B.** The Minister shall prescribe a curriculum, to be known as the Vocational College Standard Curriculum, which shall be used by all vocational colleges.

**Collaboration with other institution, corporation or industrial organization**

**33C.** (1) A vocational college may collaborate with any institution, corporation or industrial organization for the purposes of—

- (a) implementing the Vocational College Standard Curriculum;
- (b) upgrading technical and vocational education and training of the pupils;
- (c) giving effect to the transfer of technology; and
- (d) carrying out any technical and vocational education and training considered desirable and beneficial to the vocational college or the pupils.

(2) Any programme or training conducted in collaboration with an institution, corporation or industrial organization under subsection (1) shall use the Vocational College Standard Curriculum.

#### **Power to make regulations in relation to vocational colleges**

**33D.** The Minister may make regulations for the carrying into effect of the provisions of this Chapter and without prejudice to the generality of such power, the regulations may provide for—

- (a) the Vocational College Standard Curriculum which shall include the knowledge, skills and values that are expected to be acquired by pupils at the end of the vocational education period;
- (b) the carrying out of evaluation or assessment and the conduct of examinations for vocational colleges by the Director of Examinations;
- (c) the award of certificates or diplomas;
- (d) the discipline of pupils, including the discipline and activity of pupils while undergoing a course of study, training or programme outside the vocational college;
- (e) the duration of semester of vocational colleges, the days on which and the hours during which pupils shall attend

the vocational colleges and the days which shall be observed as holidays by all vocational colleges or any vocational colleges;

- (f) the admission of pupils to a vocational college, the keeping of register of pupils, the age limit and conditions under which pupils may be retained in a vocational college or in any class in a vocational college;
- (g) the establishment, organization, management, control and dissolution of association of pupils of the vocational colleges;
- (h) any other matter as the Minister thinks expedient or necessary for the purpose of this Chapter.

#### *Chapter 6—Other Educational Institutions*

### **Other educational institutions**

**34.** (1) Subject to the provisions of this Act, the Minister may establish and maintain the following educational institutions:

- (a) colleges, other than colleges with the status of University or University College established or deemed to be established under the Universities and University Colleges Act 1971 [*Act 30*];
- (b) special schools;
- (c) polytechnics; and
- (d) any other educational institution, the establishment or maintenance of which is not provided for under this Act or the Universities and University Colleges Act 1971.

(2) The Minister may give grant-in-aid to an educational institution, not established by him, falling within paragraph (1)(a) or (1)(b).

*Chapter 7—Technical Education and Polytechnics***Technical and vocational education and training in national secondary schools and other educational institutions**

**35.** (1) The Minister may provide technical and vocational education and training in—

- (a) any national secondary school described in section 30; or
- (b) other educational institutions described in paragraph 34(1)(a) or (1)(c).

(2) For the purpose of subsection (1), technical and vocational education and training includes the provision of—

- (a) skill training;
- (b) specialized 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.

**Polytechnics may offer courses of study and award qualifications approved by Minister**

**36.** A polytechnic established under paragraph 34(1)(c) may—

- (a) offer courses of study and training programmes approved by the Minister; and
- (b) award certificates, diplomas or such other qualifications as may be prescribed.

**Collaboration with other institutions and industrial organizations in technical and vocational education**

**37.** (1) Subject to the approval of the Minister, a polytechnic established under this Act may, in collaboration with any institution, corporation or industrial organization, conduct technical or vocational courses or training programmes (including exchange programmes) which the Minister deems expedient for the purposes of—

- (a) giving effect to the transfer of technology;
- (b) upgrading technical and vocational skills of teachers, employees and pupils of the polytechnic; and
- (c) carrying out such training programmes as the Minister considers desirable and beneficial to the polytechnic or its pupils or teachers.

(2) The approval given under subsection (1) may be subject to such terms and conditions as the Minister may impose.

**Provisions as to courses of study in respect of degrees conferred by universities, etc.**

**38.** (1) A polytechnic established under this Act may, with the approval of the Minister, conduct courses of study or training programmes for diplomas, certificates or other forms of recognition of a qualification conferred by any university or other institution of higher education within Malaysia or outside Malaysia.

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

(3) The Minister shall not give his approval under subsection (1) unless he is satisfied that the polytechnic has made all suitable arrangements with the university or other institution of higher education concerned with the conduct of the courses of study or training programmes.

**Power to make regulations in relation to polytechnics**

**39.** The Minister may make regulations for the carrying into effect of the provisions of this Chapter and, without prejudice to the generality of such power, the regulations may provide for—

- (a) the establishment of a board or body to carry out evaluation or assessment or to conduct examinations for polytechnics;
- (b) the establishment of a board or body to develop, monitor and modify the curriculum as to courses of study and training programmes offered by polytechnics;
- (c) the award of a certificate or diploma or any other qualification;
- (d) the discipline of pupils;
- (e) the establishment, organization, management, control and dissolution of any council, body or committee for extracurricular activities in polytechnics; and
- (f) any other matter which the Minister deems expedient or necessary for the purposes of this Chapter.

*Chapter 8—Special Education***Minister to provide special education**

**40.** The Minister shall provide special education in special schools established under paragraph 34(1)(b) or in such primary or secondary schools as the Minister deems expedient.

**Power to prescribe the duration of and curriculum on special education**

**41.** (1) Subject to subsections (2) and (3), the Minister may by regulations 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
- (d) any other matter which the Minister deems expedient or necessary for the purposes of this Chapter.

(2) The duration prescribed by the Minister under paragraph (1)(a) shall not be less than the minimum duration for primary or secondary education, as the case may be, provided for under this Act.

(3) The curriculum prescribed under paragraph (1)(b) shall comply with the requirements of the National Curriculum in so far as it is reasonably practicable.

### *Chapter 9—Teacher Education*

#### **Restriction on establishment of institutes of teacher education**

**42.** No person shall establish or maintain a teacher education college except with the approval of the Minister.

#### **Registration of institutes of teacher education**

**43.** All institutes of teacher education, the establishment or maintenance of which have been approved under section 42, shall be registered under this Act.

**Award of certificates or other qualifications by institutes of teacher education**

**44.** A teacher education college established under this Act may award a certificate, diploma, teaching degree or such other qualifications as may be prescribed.

**Minister may establish and maintain institutes of teacher education**

**45.** Notwithstanding section 42, the Minister may establish and maintain institutes of teacher education and provide therein teacher education.

**Institutes of teacher education to conduct courses of study approved by Minister**

**46.** Every teacher education college established under this Chapter shall conduct such courses of study and training programmes as may be approved by the Minister.

**Provision as to courses of study in respect of degrees, etc., conferred by universities, etc.**

**47.** (1) A teacher education college established under this Chapter may, with the approval of the Minister, conduct courses of study or training programmes for degrees, diplomas, certificates or other forms of recognition of a qualification conferred by any university or other institution of higher education within Malaysia or outside Malaysia.

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

(3) The Minister shall not give his approval under subsection (1) unless he is satisfied that the teacher education college has made suitable arrangements with the university or other institution of

higher education concerned with the conduct of the courses of study or training programmes.

(4) A person who contravenes subsection (1) or fails to comply with any term or condition imposed by the Minister under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Instrument of government for institutes of teacher education**

**48.** (1) Except for institutes of teacher education established and maintained by the Minister under section 45, every teacher education college established under this Act shall have an instrument of government.

(2) Every instrument of government under this section shall be approved by, and shall be deposited with, the Registrar General at the time of registration.

(3) Every instrument of government under this section shall provide for the constitution of a board of governors, with a chairman, for the management of the teacher education college by the governors in a manner not inconsistent with this Act and any regulations made under this Act.

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

### **Power to make regulations in relation to institutes of teacher education**

**49.** The Minister may make regulations for the carrying into effect of the provisions of this Chapter and, without prejudice to the generality of such power, the regulations may provide for—

- (a) the establishment of a board or body to carry out evaluation or assessment or to conduct examinations for teacher education;
- (b) the courses of study and training programmes to be carried out by an institute of teacher education;
- (c) the award of certificates , diplomas, teaching degrees or any other qualification as may be prescribed ;
- (d) the discipline of pupils in institutes of teacher education;
- (e) the establishment, organization, management, control and dissolution of a council, body or committee for extracurricular activities at college, district, state, national and international levels;
- (f) the recognition of qualifications issued by an institute of teacher education;
- (g) procedures for the the establishment and registration of an institute of teacher education;
- (h) any other matter which the Minister deems expedient or necessary for the purposes of this Chapter.

*Chapter 10—Religious Teaching in Educational Institutions*

**Teaching of the Islamic religion**

**50.** (1) Where in an educational institution there are five or more pupils professing the Islamic religion, such pupils shall be given religious teaching in Islam by teachers approved by the State Authority.

(2) The teaching required in an educational institution under subsection (1) shall be for a period of at least two hours a week within the period of general teaching of the educational institution, or within such other period as the Minister may, in the case of any particular educational institution, appoint.

(3) The governors or other persons responsible for the management of an educational institution required to provide teaching under this section shall make such arrangements as may be necessary for that purpose.

(4) The governors or other persons responsible for the management of two or more educational institutions may, with the approval of the Registrar, make arrangements for teaching under this section to be given to the pupils professing the Islamic religion in the educational institutions jointly.

### **Teaching of religious knowledge of a religion other than Islam**

**51.** The governors of a government-aided educational institution may provide for religious teaching in a religion other than Islam to the pupils of the educational institution or to any of them but—

- (a) no such provision shall be defrayed from moneys provided by Parliament; and
- (b) no pupil shall attend teaching in a religion other than that which he professes, except with the written consent of his parent.

### **Financial assistance to Islamic educational institutions not established or maintained by the Minister or State Government**

**52.** Subject to such conditions and limitations as the Minister may deem fit to impose, financial assistance by way of grant may be given out of moneys provided by Parliament to an Islamic educational institution which is not maintained by the Minister under this Act or by the Government of a State and which is either an educational institution within the meaning of this Act or is not such an educational institution only because the teaching therein is confined exclusively to the teaching of the religion of Islam.

*Chapter 11—Management of Educational Institutions***Instrument of government for educational institutions**

**53.** (1) Subject to the provisions of this Act, every educational institution shall have an instrument of government.

(2) Every instrument of government shall provide for the constitution of a board of governors, with a chairman, for the management of the educational institution by the governors in a manner not inconsistent with this Act and any regulations made under this Act.

(3) Subsection (1) shall not apply to government educational institutions except a national-type school and schools to be determined by the Minister.

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

**Power to make regulations in relation to instruments of government**

**54.** (1) The Minister may make regulations for the establishment of a board of governors and for the management of an educational institution by a board of governors and, without prejudice to the generality of such power, the Minister may, in the regulations, prescribe the duties of the governors and other persons responsible for the management of educational institutions.

(2) Any regulations made under subsection (1) may prescribe different duties for governors or other persons responsible for the management of different categories of educational institutions.

**Educational institution to be managed by its instrument of government**

**55.** Subject to the other provisions of this Act and in particular the provisions as to exemption, every educational institution shall be managed in accordance with its instrument of government.

**Power of Minister to appoint additional governors**

- 56.** (1) If the Minister is satisfied—
- (a) that discipline in an educational institution is not being adequately maintained;
  - (b) that the terms of the instrument of government of an educational institution are being wilfully disregarded;
  - (c) that any provision of this Act or any regulations made under this Act is being wilfully disregarded; or
  - (d) in the case of a government-aided educational institution, the property or funds of the educational institution are not being properly administered,

he may appoint by name such additional governors of the educational institution as he may think fit.

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

(3) An additional governor appointed for an educational institution under subsection (1) shall for all purposes be deemed to be a governor of the institution.

(4) Chapter 3 of Part VIII shall not apply to an additional governor appointed under subsection (1).

**Appointment of teachers under instrument of government and Act**

**57.** Subject to the other provisions of this Act and any regulations made under this Act, teachers in an educational institution other than a government or government-aided educational institution shall be appointed in accordance with the instrument of government.

**Power of Minister in relation to exercise of functions, etc.**

**58.** (1) If the Minister is satisfied that in an educational institution—

- (a) the governors have been acting or are proposing to act unreasonably with respect to the exercise of any power conferred or the discharge of any duty imposed by or under this Act; or
- (b) the governors have failed to discharge any duty imposed upon them by or under this Act,

the Minister may—

- (aa) give such directions in writing as to the exercise of the power or the discharge of the duty as appear to him to be expedient, with which directions it shall be the duty of the governors to comply; or
- (bb) suspend or dismiss all or any of the governors and, notwithstanding the provisions of any instrument relating to the institution, appoint such person or persons as he may think fit to have and to exercise all the functions of the governors for such period as he may direct.

(2) If at any time, for an educational institution, there is no board of governors constituted under this Act the Minister may appoint such person or persons as he may think fit to exercise the functions of governors for the institution for such period as he may direct.

**Dissolution of board of governors of government or government-aided educational institution**

**59.** (1) The Minister may, after giving the board of governors of a government or government-aided educational institution an opportunity to make representations in accordance with regulations made under this Act, by notice in writing addressed to and served



upon the chairman of the board order that the board be dissolved if he is satisfied that the board—

- (a) has contravened any provision of this Act or any regulations made under this Act;
- (b) has contravened any direction issued by the Minister under section 9;
- (c) has contravened any term or condition imposed under subsection 82(3);
- (d) has failed to observe or carry out any provision of the instrument of government of the educational institution;
- (e) has failed to prevent the educational institution from being used for purposes which are detrimental to the interests of Malaysia or any part thereof or which are contrary to public interest; or
- (f) has failed to prevent the educational institution from being used for any activity or purpose of an unlawful nature, or for any activity or purpose of an unlawful organization, society or other body of persons.

(2) Where the Minister dissolves a board under subsection (1), he shall specify in the notice the grounds for the dissolution and the date on which the dissolution shall take effect.

### **Notice of dissolution to contain consequential directions**

**60.** The notice dissolving a board under subsection 59(1) may contain all such directions of incidental, consequential, ancillary or transitional nature as the Minister may deem it necessary, expedient or fit to give.

**Minister shall appoint a different board upon dissolution of a board**

**61.** (1) Where the Minister dissolves a board under section 59, the Minister shall at any time thereafter appoint a different board in accordance with the Act.

(2) Where the Minister has not appointed a board under subsection (1), the powers, functions and duties of the board shall be exercised by the head teacher of the educational institution or by such other person as the Minister may nominate who shall be a member of the public service.

(3) After the dissolution of a board of governors of a government or government-aided educational institution under section 59 sections 53, 54, 55, 56 and 87 shall not apply to the educational institution.

**Dissolution of board of managers or governors of government educational institution**

**62.** (1) Every board of managers or board of governors of a government educational institution except—

(a) a government national-type primary school; and

(b) a government national primary school or government national secondary school to be determined by the Minister, established prior to the appointed date, shall be dissolved on that date in such manner as the Minister may determine, and thereupon it shall cease to employ and to be the employer of teachers and other employees, and every instrument of management or government pertaining to the educational institution shall cease to have effect.

(2) Upon the dissolution of a board of managers or board of governors of a government educational institution under subsection (1)—

- (a) a person acting as a manager or governor immediately prior to the appointed date shall cease to act as such;
- (b) all rights, obligations and liabilities relating to any matter which, immediately before the appointed date, were the responsibility of the board shall on that date devolve on the Government; and
- (c) sections 53, 54, 55, 56, 59 and 87 shall not apply to the government educational institution.

### **Interpretation**

**63.** References to a board of governors in this Chapter shall, in relation to Sabah, include a Management Committee and, in relation to Sarawak, include a Committee of Management.

### *Chapter 12—Provision of Facilities and Services*

#### **Power of Minister to render assistance**

**64.** Subject to any regulations made under this Act, the Minister may render assistance whether financial or otherwise in respect of pupils or any class of pupils in government or government-aided educational institutions and such assistance may include—

- (a) the granting of bursaries, scholarships, loans or such other assistance; and
- (b) the provisions of—
  - (i) accommodation;
  - (ii) transport;
  - (iii) books; and
  - (iv) medical and dental services,

for the purpose of enabling the pupils to take full advantage of the facilities available to them or for the purpose of promoting their health and well-being.

**Medical and dental inspection of pupils**

**65.** (1) Without prejudice to the generality of the powers conferred by section 64, the Minister shall, so far as it is reasonable and practicable so to do, provide for the medical and dental inspection at appropriate intervals of pupils of government or governmentaided educational institutions.

(2) An officer authorized in that behalf by the Minister may require the parent or guardian of a pupil of a government or government-aided educational institution to cause the pupil to undergo medical or dental inspection, in accordance with arrangements made by the school authorities, or by a registered medical or dental practitioner, and a person who fails without reasonable excuse to comply with the requirement shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

**Boarding facilities**

**66.** Without prejudice to the generality of the power conferred by section 64, the Minister may, where pupils cannot reasonably be provided with the requisite education or training unless boarding accommodation is provided, make such arrangements for the accommodation (whether free or subject to such charges as the arrangements provide) as he may consider appropriate.

**PART V****ASSESSMENT AND EXAMINATION****Assessment of pupils**

**67.** (1) The Minister may prescribe the manner in which pupils in educational institutions shall be assessed and the standards to be achieved by the pupils.

(2) The assessment prescribed under subsection (1) shall be in addition to any prescribed examination.

**Examinations**

- 68.** The Minister may make regulations to provide for—
- (a) the examinations to be held for the purposes of this Act;
  - (b) the times and places at which examinations shall be held, and the qualifications and conditions of entry for the examinations;
  - (c) the fees to be paid for entry for examinations;
  - (d) the syllabuses for, and language media of, examinations;
  - (e) the conduct of examinations including the establishment of a body or syndicate to manage and conduct examinations; and
  - (f) the powers, functions and duties of the Director of Examinations.

**Prohibitions on the conduct of examinations**

**69.** (1) Subject to subsection (4), no person or educational institution shall conduct, permit or cause to be held or conducted, or be in any manner concerned in the holding or conducting of, any examination for any pupil of an educational institution or for any private candidate without the prior written approval of the Director of Examinations.

(2) In granting approval under subsection (1), the Director of Examinations may impose such restrictions, terms and conditions as he deems fit.

(3) A reference in this section to the holding or conducting of an examination shall be deemed to include the act of—

- (a) inviting candidates for an examination;
- (b) collecting or receiving any fee or payment or any donation or gift in respect of an examination;

- (c) preparing any syllabus, course or scheme of study in respect of an examination;
  - (d) marking or grading of answers or responses to questions or tests in an examination;
  - (e) issuing or granting any diploma or other document or form of recognition in respect of an examination, and any other act related to the holding or conducting of an examination, regardless whether the act is done before or after the examination.
- (4) Subsection (1) shall not apply to—
- (a) a body or syndicate established to manage and conduct examinations under paragraph 68(e);
  - (b) the Malaysian Examinations Council established under the Malaysian Examinations Council Act 1980 [Act 225]; and
  - (c) an educational institution which conducts its own examination, test or other forms of assessment for the purpose of assessing its own pupils.
- (5) A person who contravenes subsection (1) or fails to comply with any restriction, term or condition imposed under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

## PART VI

### HIGHER EDUCATION

#### **Minister to be responsible for higher education**

**70.** The Minister may provide higher education in higher educational institutions in accordance with any written law relating to higher education and shall be responsible for the general direction thereof.

**Establishment of higher educational institutions, etc., is prohibited**

**71.** No person shall—

- (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 moneys, 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”,

except in accordance with any written law on higher education.

**Penalty**

**72.** A person who contravenes section 71 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

PART VII

PRIVATE EDUCATIONAL INSTITUTIONS

**Saving relating to private educational institutions**

**73.** (1) Nothing in this Act shall be construed as prohibiting the establishment and maintenance of a private educational institution.

(2) Notwithstanding subsection (1), every private educational institution shall comply with this Act and all regulations made under this Act and applicable to the educational institution.

(3) This Part shall not apply to a private higher educational institution.

**Private educational institutions to comply with the requirement of National Curriculum and to prepare pupils for prescribed examinations**

**74.** A private educational institution providing primary education or secondary education or both shall comply with the requirements of the National Curriculum and shall prepare pupils for prescribed examinations.

**Subjects to be taught in private educational institutions providing post-secondary education**

**75.** (1) The Minister may require a private educational institution providing post-secondary education to teach the following subjects:

- (a) the national language, where the medium of instruction is other than the national language;
- (b) Malaysian studies;
- (c) the English language, where the medium of instruction is other than the English language;
- (d) studies relating to Islamic education for pupils professing the Islamic religion; and
- (e) moral education for pupils not professing the Islamic religion, based on the prescribed curriculum.



(2) The subjects mentioned in paragraphs (1)(a) to (1)(e) shall be taught in addition to any other subject or course of study taught in the private educational institutions.

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

**76.** The Minister may make regulations for the supervision, regulation or control of the standard of education in private educational institutions.

**Prohibition as to courses of study and training in respect of degrees, etc., conferred by universities, etc.**

**77.** (1) No private educational institution registered under this Act shall conduct any course of study or training programme jointly, in association, affiliation or collaboration or otherwise, with a university or institution of higher education or other educational institution or organization within or outside Malaysia, except with the approval in writing of the Minister.

(2) The Minister shall not give his approval under subsection (1) unless he is satisfied that the private educational institution has made suitable arrangements with the university or institution of higher education or other educational institution or organization as to the facilities for the provision of the course of study or training programme referred to in the subsection.

(3) When granting approval under subsection (1) the Minister may impose such terms and conditions as he deems fit.

(4) A person who contravenes subsection (1) or fails to comply with any term or condition imposed by the Minister under subsection (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

**Application of other provisions of the Act to private educational institutions**

**78.** For the avoidance of doubt, it is declared that nothing in this Part shall affect or derogate from the application of other provisions in this Act to private educational institutions except in so far as the educational institutions have been expressly exempted.

**PART VIII****REGISTRATION OF EDUCATIONAL INSTITUTIONS***Chapter 1—Registration of Educational Institutions***All educational institutions to be registered**

**79.** (1) Subject to the other provisions of this Act, every educational institution shall be registered under this Act.

(2) An application for registration under this Act shall be made to the Registrar General in such manner as may be prescribed.

(3) The Registrar General may impose such terms and conditions as he deems fit when registering an educational institution under subsection (1).

**Register**

**80.** 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 certificates of registration**

**81.** (1) Pending investigation on an application made under subsection 79(2), the Registrar General may, in his discretion, issue to the person who is to act as chairman of the board of governors or

the person responsible for the management of an 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.

### **Registration**

**82.** (1) Without prejudice to section 81 and subject to subsection (3) and section 83, the Registrar General shall, upon an application for the registration of an educational institution duly made and after such inquiry as he may think necessary, and upon payment of such fee as may be prescribed, 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 an educational institution shall cause a copy of the certificate of registration issued under subsection (1) to be kept exhibited in a conspicuous part of the premises of the educational institution.

(3) The Registrar General may impose such conditions precedent to registration as he deems fit.

### **Change in respect of educational institution premises**

**83.** (1) No educational institution shall change the address of its premises or make any alteration to the premises without the prior approval of the Registrar General.

(2) An application for a change of address of the premises of an educational institution or alteration to the premises shall be made to the Registrar General in such form and manner as may be prescribed.

**Refusal to register an educational institution**

**84.** The Registrar General may refuse to register an educational institution if he is satisfied—

- (a) that the educational institution does not satisfy the prescribed standards of health and safety;
- (b) that the educational institution is used or likely to be used for a purpose detrimental to the interests of Malaysia, the public or the pupils;
- (c) that the name under which the educational institution is to be registered is, in his opinion, undesirable;
- (d) that existing educational facilities are already adequate in the area in which it is proposed to open the educational institution;
- (e) that a statement which was false or misleading in a material particular has been made in or in connection with the application for registration;
- (f) that 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 subsection 82(3); or
- (g) that the person appointed to be the chairman of the board of governors or head teacher is not a fit and proper or responsible person to act as chairman or head teacher, as the case may be.

**Notice of refusal to register an educational institution**

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

(2) An applicant aggrieved by the refusal of the Registrar General to register an educational institution may, within twenty-one days of the notice being served on him in accordance with subsection (1), appeal to the Minister and the decision of the Minister shall be final.

### **Prohibition on advertisement, etc.**

**86.** (1) 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 under subsection 81(1).

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

## *Chapter 2—Cancellation of Registration*

### **Grounds for cancellation of registration of an educational institution**

**87.** (1) The Registrar General may serve on the chairman of the board of governors or any person responsible for the management of an educational institution a notice of intention to cancel the registration of the educational institution if he is satisfied that it is expedient so to do on any of the following grounds:

- (a) the ground specified in paragraph 84(a);
- (b) that discipline in the educational institution is not being adequately maintained;
- (c) that the registration of the educational institution was obtained by reason of mistake or of 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 term or condition imposed by the Registrar General under subsection 79(3);
- (f) 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 is not a fit and proper or responsible person to act as chairman or head teacher, as the case may be.

(2) The Registrar General may act under subsection (1) if he has reason to believe that a registered educational institution has ceased to exist.

(3) A notice of intention to cancel the registration of an educational institution under subsection (1) shall specify the grounds on which it is proposed to cancel the registration.

(4) Where a notice under subsection (1) is served on a person referred to in that subsection, he may within twenty-one days of the notice being served upon him appeal to the Minister.

(5) If no appeal is made under subsection (4), or if an appeal having been made is rejected, the Registrar General may cancel the registration of the educational institution forthwith; and within twenty-one days of the cancellation, the chairman of the board of governors or any 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 and every employee of the educational institution shall surrender to the Registrar General their certificates of registration issued under this Act.

*Chapter 3—Registration of Governors and Employees*

**All governors and employees to be registered**

**88.** (1) Every person who acts as a governor or employee of an educational institution shall be registered as a governor or employee, as the case may be, in respect of the educational institution.

(2) An application for registration as a governor or employee of an educational institution shall be in the prescribed form.

**Registration of governor and employee**

**89.** (1) Subject to section 90, the Registrar General shall, upon an application duly made and after such enquiry as he may think necessary, register a person as a governor or an employee in respect 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—

(a) to a person applying for registration under this Chapter (whether on the registration of an educational institution or subsequently); or

(b) to a person needed to act temporarily as governor or employee,

a permit, in such form as may be prescribed, to act in that capacity, and while the permit is in force the person to whom the permit is issued shall be deemed to be registered under this Act.

(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, shall cease to be in force upon the registration under this Act of the person to whom the permit is issued.

**Grounds of refusal to register a governor or employee**

**90.** (1) The Registrar General may refuse to register a person as a governor or employee of an educational institution if—

- (a) the person has been convicted of an offence by a court of law and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit;
- (b) the person has, otherwise than by reason only of an educational institution having ceased to exist, been struck off any register established under this Act or under the provisions of any previous corresponding written law;
- (c) the 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) the person is not a citizen of Malaysia.

(2) The Registrar General shall refuse to register a person who is under the age of eighteen years as a governor.

**Notice of refusal to register a governor or employee**

**91.** When the Registrar General refuses under section 90 to register a person as a governor or an employee of an educational institution he shall inform the person by notice in writing of the refusal.

**Appeal against refusal to register a governor or employee**

**92.** A person who is aggrieved by the refusal of the Registrar General to register him as a governor or employee of an educational institution may, within twenty-one days of being informed of the refusal in accordance with section 91, appeal to the Minister.



**Power of Registrar General to strike off the register a governor or employee**

**93.** (1) The Registrar General may strike off the register a governor or employee—

- (a) on the ground specified in paragraph 90(1)(a);
- (b) if it appears to the Registrar General that he is a person who ought not, in the interests of Malaysia, the public or any person, to remain as a governor or an employee; or
- (c) who has obtained his registration in consequence of a mistake or any false or misleading particular furnished in or in connection with his application for registration.

(2) Notwithstanding subsection (1), no person shall be struck off the register under paragraph (1)(a) by reason of any fact or matter occurring before the date of his registration and disclosed to the Registrar General before that date.

**Retirement of governors and employees**

**94.** (1) Upon a governor or employee of an educational institution retiring or ceasing to act as such, the chairman of the board of governors of the educational institution or a person authorized by him in that behalf shall, within twenty-one 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 the governor or employee, as the case may be, off the register.

**Persons struck off the register to be notified**

**95.** When a person has been struck off the register under section 93 or 94 the Registrar General shall forthwith inform him by notice in writing that he has been so struck off and of the grounds thereof.

**Appeal against striking off the register**

**96.** A person struck off the register under section 93 or 94 may, within twenty-one days of the notice being served upon him in accordance with section 95, appeal to the Minister.

**Surrender of certificate of registration**

**97.** (1) A person who has been struck off the register shall, within twenty-one days of the service of the notice under section 95, surrender to the Registrar General the certificate of registration issued to him under this Act or any previous written law relating to the registration of a governor or an employee, as the case may be, of an educational institution.

(2) If an appeal is made under section 96, the certificate referred to in subsection (1) need not be surrendered until the determination of the appeal in favour of the Registrar General.

*Chapter 4—Registration of Pupils***Registration of pupils**

**98.** The governors, head teachers or other persons 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.

*Chapter 5—Inspection of Educational Institutions by the Registrar General*

**Inspections to be made from time to time**

**99.** The Registrar General shall, from time to time, inspect or cause to be inspected an educational institution registered under this Act for the purpose of ascertaining that this Act and the regulations made under this Act have been and are being complied with.

**Powers of Registrar General on inspection of registered educational institutions**

**100.** (1) In carrying out an inspection pursuant to section 99, the Registrar General may—

- (a) enter any premises and examine such book, document, electronic media material or other article as he may consider necessary; and
- (b) remove and detain any book, document, electronic media material or other article which appears to him to be detrimental to the interests of the public or the pupils or which, in his opinion, may furnish evidence of the commission of an offence under this Act.

(2) The Registrar General at any time whilst lawfully carrying out any inspection of an educational institution under this Act may require any person, being a governor, an employee, a teacher or a pupil of the educational institution, to produce for his inspection any book, document, electronic media material or other article relating to the management of, or to the teaching carried on in, the educational institution which is in the person's possession or under his control or within his power to furnish.

**Inspection of premises of unregistered educational institutions**

**101.** Where the Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of Inspector has reasonable cause to believe that any house, building or other place is being used as an educational institution without being registered under this Act, the Registrar General or the public officer or the police officer, accompanied by such persons as he may deem necessary, may—

- (a) enter and inspect the house, building or place; and
- (b) seize and detain any book, document, electronic media material or other article found therein which appears to him to furnish evidence of the commission of an offence against this Act or which appear to be the property of, or to have been used in connection with, an educational institution not registered under this Act.

**Power to close unregistered educational institution**

**102.** (1) Where the Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of Inspector has reasonable cause to believe that any house, building or other place is being used as an educational institution without being registered under this Act or is being used in contravention of any of the conditions imposed by the Minister under subsection 47(2) or 77(3), the Registrar General or the public officer or the police officer, accompanied by such persons as he may deem necessary may, without prejudice to the exercise of the powers conferred on him under sections 99, 100 and 101, forthwith take such steps as he may deem necessary or by any means close the educational institution.

(2) Any action taken under subsection (1) in respect of any house, building or other place shall not prohibit the Registrar General from prosecuting any person using such house, building or place as an educational institution without being registered under this Act.

PART IX

REGISTRATION OF TEACHERS

*Chapter 1—Registration of Teachers*

**Prohibition to teach**

**103.** (1) Subject to subsection (2), no person shall teach in an educational institution unless he is registered as a teacher under this Act.

(2) Subsection (1) shall not apply—

- (a) to a person who is a member of the Education Service teaching in government or government-aided educational institution;
- (b) to a person to whom a permit to teach has been issued under section 114; and
- (c) to a pupil in an educational institution for the training of teachers established by and under the direct control of the Minister.

**Register of teachers**

**104.** The Registrar General shall keep and maintain or cause to be kept and maintained in such form as may be prescribed a register of teachers in which shall be entered such particulars as may be prescribed.

**Application for registration as a teacher**

**105.** 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**

**106.** The Registrar General may refuse to register a person as a teacher under this Act if he is satisfied that the person—

- (a) is under the age of eighteen 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 or which he knew 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 defect or disease rendering him, in the opinion of the Registrar General, unsuitable to be a teacher;
- (e) has been convicted of an offence by a court of law and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit; or
- (f) is not a fit and proper person to be registered as a teacher.

**Notice of refusal to register a person as a teacher**

**107.** When the Registrar General refuses to register a person under section 106 he shall by notice in writing inform the person of the refusal, specifying the grounds of the refusal.

**Appeal against refusal to register a person as a teacher**

**108.** A person aggrieved by the refusal of the Registrar General to register him as a teacher may, within twenty-one days of the notice

being served upon him in accordance with section 107, appeal to the Minister.

### **Registration of teachers**

**109.** (1) Subject to sections 106 and 108, the Registrar General shall, upon application for registration under this Chapter duly made and after such inquiry as he may deem necessary, and upon payment of such fee as may be prescribed, register the applicant and issue to him a certificate of registration as a teacher in the prescribed manner.

(2) The Registrar General may impose such terms and conditions as he deems fit when registering an applicant under subsection (1) and he may at any time revoke, alter or add to the terms and conditions.

### **Revocation of registration after notice**

**110.** (1) If the Registrar General is satisfied—

- (a) that it is expedient so to do on any of the grounds set out in paragraphs 106(c) to (e);
- (b) that a registered teacher has committed a breach of or has failed to comply with any condition imposed under subsection 109(2);
- (c) that the registration of a teacher was obtained by reason of mistake or of any false or misleading statement in connection with an application for registration; or
- (d) that there are reasonable grounds to believe that the continued registration of the person as a teacher will be prejudicial to the interests of an educational institution or the pupils,

he may serve on the teacher a notice of intention to revoke his registration.

(2) A teacher upon whom a notice pursuant to subsection (1) is served may, within twenty-one days of the notice being served upon him, appeal to the Minister.

(3) If no appeal is made within the period specified in subsection (2) or if an appeal having been made is rejected, the Registrar General shall forthwith revoke the registration and serve on the teacher a notice informing him that the registration has been revoked.

(4) No revocation of registration shall be made under this section on any of the grounds set out in paragraphs 106(*d*) and (*e*) by reason of any fact or matter occurring before the date of registration of a teacher and disclosed to the Registrar General before that date.

### **Appeals**

**111.** (1) Where upon an appeal under this Chapter it is ordered by the Minister that a teacher shall be registered, or shall continue to be registered, subject to specified conditions, the Registrar General shall impose those conditions.

(2) The conditions imposed under subsection (1) shall be deemed to be conditions imposed under subsection 109(2).

### **Striking off the register**

**112.** Where the registration of a teacher has been revoked under section 110 and a notice has been served under subsection 110(3), the Registrar General shall forthwith strike the teacher off the register, and the teacher shall, within twenty-one days of the notice being served upon him, surrender to the Registrar General his certificate of registration.



**Transitional provisions as to registration of teachers**

**113.** A person who on the appointed date was registered or deemed to be registered as a teacher under the Education Act 1961 [*Act 43 of 1961*] shall be deemed to have been so registered under this Act and shall be subject to this Act.

*Chapter 2—Permits to Teach*

**Issue of permits to teach**

**114.** (1) The Registrar General may issue a permit to teach to the following persons, not being registered teachers:

- (a) a student teacher, other than those specified in paragraph 103(2)(c), undergoing training as a teacher in accordance with a scheme approved by the Minister;
- (b) a person who has applied for registration as a teacher and whose application is pending; or
- (c) a person who is needed to act temporarily as a teacher.

(2) A permit to teach shall be in such form and subject to such conditions as may be prescribed.

(3) The Registrar General may, at any time and at his discretion, revoke a permit to teach by giving notice in writing to the holder of the permit.

*Chapter 3—Miscellaneous*

**Surrender of certificates of registration as a teacher**

**115.** A certificate of registration as a teacher issued under this Act or any former written law relating to registration of teachers or any document evidencing registration or exemption from registration as a teacher or that a teacher is deemed to be registered under such law, or a permit to teach issued under section 114 shall—

- (a) on the revocation of the certificate, document or permit;
- (b) on the person to whom the certificate, document or permit was issued ceasing to teach in an educational institution in Malaysia for a continuous period exceeding two years, or on the death of the person;
- (b) on written demand by the Registrar General for the purpose of alteration, amendment, endorsement or replacement; or
- (d) in the case of a permit, on the expiration of its period of validity,

be surrendered within twenty-one days by the person to whom it was issued or the person in whose possession it is to the Registrar General.

### **Duty of teacher to notify change of educational institution**

**116.** Every registered teacher shall within fourteen days of commencing or ceasing to teach in an educational institution report in writing to the Registrar General the name of the educational institution in which he is teaching or has ceased to teach and the date on which he commenced teaching or ceased to teach in the educational institution.

## PART X

### THE INSPECTORATE OF SCHOOLS

#### *Chapter 1—The Inspectorate*

### **Duties of Chief Inspector**

**117.** The Chief Inspector shall—

- (a) be responsible, in collaboration with such authorities as the Minister may appoint, for ensuring that an adequate standard of teaching is developed and maintained in educational institutions;
- (b) inspect educational institutions or cause educational institutions to be inspected by an Inspector of Schools at such intervals as he shall deem appropriate;
- (c) when directed so to do by the Minister, inspect an educational institution or cause the educational institution to be inspected; and
- (d) undertake such other duties in relation to the inspection of educational institutions as the Minister may direct or as may be prescribed.

### **Advisory powers of Inspectors of Schools**

**118.** The Chief Inspector or an Inspector of Schools may give advice to the governors or any other person responsible for the management of an educational institution and to teachers on matters relating to teaching and teaching methods.

### **Restriction on orders of Inspectors of Schools**

**119.** The Chief Inspector or an Inspector of Schools shall not, except to such extent as he may be authorized by any regulations made under this Act, issue any order or direction to the governors or any other person responsible for the management of an educational institution.

### **Reports by Inspectors of Schools**

**120.** (1) The Chief Inspector shall submit to the Minister a report on every educational institution inspected pursuant to section 117,

and where the report is made by an Inspector of Schools, he shall endorse thereon such comments as he shall deem appropriate.

(2) A report on an educational institution submitted under subsection (1) shall be a confidential document but may, in the discretion of the Minister, be made available to those responsible for the administration of the educational institution and any teacher therein and the report so made available shall be made available in its entirety.

### *Chapter 2—General*

#### **General powers of Inspectors of Schools**

**121.** For the purpose of making any inspection of an educational institution under section 117 the Chief Inspector or an Inspector of Schools (in this section referred to as an “Inspector”) may—

- (a) at any time enter an educational institution; and
- (b) require the chairman of the board of governors or a governor or any other person responsible for the management of the educational institution or a teacher or employee or person found in the educational institution—
  - (i) to produce for his inspection any time-table, syllabus or record pertaining to subjects taught or to be taught or any book, material, document or article relating to or which in the opinion of the Inspector may relate to the teaching carried on in the educational institution or the management of the educational institution; and
  - (ii) to furnish the Inspector with such information relating to the teaching in, or the organization of, the educational institution as the Inspector may demand, and which it is within the power of the chairman, governor or such other person responsible for the

management of the educational institution, teacher, employee or person to furnish.

**Chief Inspector may authorize Education Officers to act on his behalf**

**122.** The Chief Inspector may authorize in writing an Education Officer appointed under section 4 to act on his behalf in exercising his powers or carrying out his duties under this Act.

PART XI

FINANCE

**Saving relating to Minister**

**123.** Except in so far as moneys are approved or provided for that purpose by Parliament or otherwise, nothing in this Act shall be deemed to impose any duty upon the Minister to establish and maintain an educational institution under this Act or to maintain wholly or partially an educational institution.

**Grant-in-aid and capital grant to be subject to conditions, etc., as may be prescribed**

**124.** Any grant-in-aid or capital grant payable under this Act to an educational institution other than a government educational institution from funds provided by Parliament for that purpose shall be paid subject to such conditions and limitations as may be prescribed.

**Power of Minister to suspend or cancel payment of any grant**

**125.** The Minister may suspend or cancel or cause to be suspended or cancelled the payment of any grant to an educational institution if the governors or any other person responsible for the management of

the educational institution has failed to comply with any of the provisions of this Act or any regulations made under this Act.

## PART XII

### APPEALS

#### **Minister to decide on appeals after investigation**

**126.** (1) On an appeal being made to the Minister from a decision of the Registrar General, the Minister, unless he allows the appeal forthwith, shall constitute a Committee of Enquiry consisting of such persons as he shall consider suitable to investigate the facts and report to him thereon.

(2) After considering the report submitted under subsection (1), the Minister shall decide the matter of the appeal and make such order thereon as he deems fit and proper.

(3) The decision of the Minister on an appeal shall be final.

#### **Powers of Committee of Enquiry**

**127.** Subject to section 129 and any regulations made under this Act, a Committee of Enquiry shall have power—

- (a) to procure and receive all such evidence, written or oral, and to examine all such persons (including the appellant) as the Committee of Enquiry may consider desirable;
- (b) to require the evidence of a person to be given on oath or affirmation or by statutory declaration;
- (c) to summon any person including the appellant to attend and give evidence notwithstanding the provisions of any other written law;

- (d) to admit any evidence, written or oral, notwithstanding that it would be inadmissible in civil or criminal proceedings; and
- (e) to exclude the public from any investigation or any part thereof and, if the Committee of Enquiry considers it in the public interest so to do, receive evidence in the absence of the appellant; but where evidence is received in the absence of the appellant the Committee of Enquiry shall communicate to the appellant the substance of the evidence so far as it may be compatible with public interest so to do and shall in every such case include in the report to the Minister a statement of the circumstances in which the evidence was received.

### **No appearance by advocate and solicitor before the Committee of Enquiry**

**128.** Notwithstanding anything to the contrary in any written law, no advocate or solicitor shall be allowed to appear in any proceedings before the Committee of Enquiry.

### **Evidence before the Committee of Enquiry**

**129.** (1) No person required to give evidence before a Committee of Enquiry shall be obliged to disclose the name or address of any person who has given information in confidence to a public officer in relation to any facts which are the subject of investigation nor shall the person be obliged to state any matter which in his opinion might lead to the discovery of the person who has given the information.

(2) No person required under section 127 to give evidence shall be obliged to give any evidence which would have the tendency to incriminate him.

## PART XIII

## REGULATIONS

**Power of Minister to make regulations**

**130.** (1) Without prejudice to his power to make regulations under any other provision of this Act, the Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the power conferred in subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) the admission of pupils to educational institutions, the keeping of registers of pupils in the educational institutions, the age limits and conditions under which pupils may be retained in an educational institution or in any class in the educational institution;
- (b) the duration of terms of educational institutions, the days on which and the hours during which pupils shall attend the educational institutions and the days which shall be observed as holidays by all educational institutions or any specified educational institution or class of educational institutions;
- (c) the establishment and management of educational institutions, and the duties of governors or other persons responsible for the management of the educational institutions;
- (d) the form in which any register for the registration of educational institutions or governors or employees shall be kept or maintained and the procedure for the issue of extracts there from;
- (e) the procedure to be followed and fees deemed proper to be levied in respect of an application for registration under



this Act or in respect of any certificate, permit or any other document issued under this Act;

- (f) the procedure to be followed for the alteration or amendment of certificates of registration or permits issued under this Act and the replacement of the certificates or permits which are lost or defaced;
- (g) discipline in educational institutions and any activity of pupils, whether in an educational institution or not, which in the opinion of the Minister may have an effect on the discipline of an educational institution;
- (h) the National Curriculum including subjects and matters, not being studies relating to the religion of Malaysia, on which instruction may or shall be given in educational institutions and the times to be devoted to the study of each subject taught in educational institutions;
- (i) the establishment, organization, management, control and dissolution of associations of pupils or pupils and teachers, or teachers and parents whether within an educational institution or not, and regulations made under this paragraph may provide for the association of teachers and parents to include any person other than the teacher or parents of the pupils of the educational institution concerned;
- (j) the books, materials and apparatus to be used in educational institutions, and the methods of purchase of the books, materials and apparatus;
- (k) the prohibition of the use in an educational institution or any specified class of educational institutions of any book or material, the use of which appears undesirable;
- (l) the prohibition of the use or delivery to any pupil by a distance education centre or the supply, import or sale for use or delivery by a distance education centre of any material, book, lesson, instruction or other matter printed

or written or otherwise the use of which by the distance education centre appears undesirable;

- (m) the keeping of books of account and the audit of accounts in educational institutions in receipt of grants;
- (n) the standards, including standards of health and safety, and uses to which the premises of educational institutions shall conform, and prescribing different standards and uses for such descriptions of educational institutions as may be specified in the regulations;
- (o) the registration of pupils in educational institutions, the inspection of the registers of such pupils, the taking of extracts from the registers for the purposes of this Act by persons duly authorized in that behalf under the regulations, and the provision to such authority as may be prescribed by regulations, of returns as to the contents of the registers as may be expedient, by the persons who are required to keep such registers under the regulations;
- (p) the form in which the register of teachers kept under section 104 shall be kept or maintained, and the procedure for the issue of certified copies of entries made therein;
- (q) the procedure to be followed for endorsement, alteration or amendment of certificates of registration as a teacher issued under section 109 and the replacement of lost or defaced certificates or permits to teach;
- (r) the procedure to be followed and the consequences which shall ensue on the revocation of a certificate of registration as a teacher issued under section 109 or of a permit to teach;
- (s) any fees deemed proper to be levied on application for registration as a teacher under, or on the issue of a certificate or of a permit to teach or otherwise in regard to any matter mentioned in, Part IX;

- (t) the practice and procedure to be followed in connection with an investigation made by a Committee of Enquiry constituted under subsection 126(1);
- (u) the manner in which appeals shall be made to the Minister from decisions of the Registrar General and the fees to be paid in respect of an appeal;
- (v) the establishment, organization, management, control and dissolution of any sports council, body or committee at the educational institution, and of educational institutions at the district, state or national level;
- (va) the establishment, organization, management, control and dissolution of any council, body or committee for technical and vocational education and training;
- (w) the provision of extension education in educational institutions established and maintained by the Minister under this Act;
- (x) the circulation by a pupil or pupils, whether within an educational institution or not, of any magazine, pamphlet or printed or written matter of a like nature;
- (y) the manner of determining the amount of grant-in-aid payable to government-aided educational institutions;
- (z) the conditions and limitations upon or subject to which grants-in-aid or capital grants shall be paid to governmentaided educational institutions;
- (aa) the determination of approved fees to be charged in respect of attendance at educational institutions generally, or any class of government-aided educational institutions and the payment or remission of the fees;

- (ab) the manner of transferring or vesting of any property transferred or vested under this Act and the manner of registering a title to the property;
- (ac) any fees deemed proper to be levied in respect of any matter provided for under this Act;
- (ad) the forms which may be used for carrying out the provisions of this Act and which may be used in connection with any matter stated or required in this Act to be prescribed by the Minister; and
- (ae) any other matter which the Minister deems expedient or necessary for giving effect to any of the provisions of this Act.

### **Regulations may prescribe penalties for contravention thereof**

**131.** Regulations made under this Act may provide that the contravention of any provision in the regulations shall be an offence and that the offence is punishable on conviction with a fine or a term of imprisonment or both but may not provide for the fine to exceed ten thousand ringgit or the term of imprisonment to exceed six months.

## PART XIV

### OFFENCES AND PENALTIES

#### **Offences and penalties relating to registration of educational institutions**

**132.** (1) A person who, being a chairman of a board of governors or governor or any other person responsible for the management of an educational institution, makes a false or misleading statement in promoting the educational institution shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

- (2) A person who—
- (a) on making an application under this Act for the registration of an educational institution or for registration as a governor or employee, or otherwise for the purpose of inducing the Registrar General to exercise or refrain from exercising his powers under this Act, makes any statement which he knows to be false or does not believe to be true or intentionally suppresses any material fact, or furnishes any information which is misleading;
  - (b) obstructs or impedes the Registrar General, a public officer or a police officer in the exercise of the powers conferred upon the officer under section 100, 101 or 102;
  - (c) refuses to produce any book, document or article, or refuses to furnish information in contravention of subsection 100(2) or furnishes any information which he knows is false or does not believe to be true;
  - (d) being the chairman of a board of governors of an educational institution contravenes subsection 94(1);
  - (e) being a person required to be registered as a governor or employee under section 88 acts as a governor or employee without being so registered;
  - (f) being a governor or person responsible for the management of an educational institution causes or permits any person to act as governor or a person responsible for the management, or as an employee, of the educational institution without being registered under this Act;
  - (g) acts as a governor or employee in an educational institution not registered under this Act; or
  - (h) being the chairman of a board of governors or a governor or a person responsible for the management of an educational institution has failed to prevent the

educational institution from being used for any activity or purpose of an unlawful nature, or for any activity or purpose of an unlawful organization, society or other body of persons,

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

- (3) A person who—
- (a) being the chairman of a board of governors or being the person responsible for the management of an educational institution fails to cause a copy of the certificate of registration of the educational institution to be exhibited in accordance with subsection 82(2);
  - (b) fails to surrender to the Registrar General any certificate of registration or instrument of government under subsection 87(5) or 97(1);
  - (c) being the chairman of the board of governors of an educational institution contravenes subsection 94(1); or
  - (d) being the owner or occupier of any premises and having reasonable cause to believe that the premises or part thereof is being used as an educational institution which is required to be registered under this Act but is not so registered, fails to take all reasonable steps to prevent such use,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

### **Offences and penalties relating to registration of teachers**

**133.** (1) A person who, in making an application for registration as a teacher or otherwise for the purpose of inducing the Registrar General to exercise or refrain from exercising his power under this

Act, makes any statement which he knows to be false or does not believe to be true or intentionally suppresses any material fact or furnishes any information which is misleading, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

- (2) A person who—
- (a) acts as a teacher in an educational institution in contravention of subsection 103(1);
  - (b) causes, permits or employs a person to act as a teacher in contravention of subsection 103(1);
  - (c) acts as a teacher in an unregistered educational institution;
  - (d) being a registered teacher teaches in an educational institution in contravention of any condition imposed under subsection 109(2) or being the holder of a permit to teach issued under section 114 teaches in an educational institution in contravention of any condition imposed by the permit;
  - (e) causes, permits or employs a registered teacher to teach in an educational institution in contravention of any condition relating to the teacher imposed under section 109 or causes, permits or employs the holder of a permit to teach issued under section 114 to teach otherwise than in accordance with the conditions imposed by the permit;
  - (f) fails to surrender a certificate, document or permit in accordance with section 115; or
  - (g) being a registered teacher fails to make a report to the Registrar General in accordance with section 116,

shall, on conviction of an offence under paragraph (b) or (e), be liable to a fine not exceeding ten thousand ringgit and shall, on conviction

of an offence under paragraph (a), (c), (d), (f) or (g), be liable to a fine not exceeding five thousand ringgit.

### **Offences and penalties relating to Inspectors**

**134.** A person who—

- (a) obstructs or impedes the Chief Inspector or an Inspector of Schools in the exercise of any powers conferred on him by section 121;
- (b) refuses to produce any time-table, syllabus, record, book, material, document or article, or to furnish information, in contravention of subparagraph 121(b)(ii); or
- (c) furnishes any information which is false in any material particular or which he knows to be false or does not believe to be true,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment not exceeding two years or to both.

### **General penalty**

**135.** (1) A person who is guilty of an offence under this Act for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) A person who is guilty of an offence under this Act shall, in the case of a continuing offence, on conviction be liable, in addition to any other penalty to which he is liable under this Act in respect of the offence, to a daily fine not exceeding five hundred ringgit for each day the offence continues to be committed.



**Power to investigate**

**136.** (1) The Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of Inspector shall have the power to investigate the commission of an offence under this Act or any regulations made under this Act.

(2) The Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of Inspector may, in relation to any investigation in respect of an offence under this Act or any regulations made under this Act, exercise the special powers in relation to police investigation except that the power to arrest without warrant given by the Criminal Procedure Code [Act 593] in any seizable offence shall not be exercised by the Registrar General or the public officer authorized by the Registrar General in that behalf in writing.

**Power to enter without warrant**

**137.** Without prejudice to section 136, if the Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of Inspector has reasonable grounds for believing that the object of any search to be conducted on any premises for the purposes of this Act is likely to be frustrated by reason of any delay in obtaining a search warrant under the Criminal Procedure Code, he may, without the warrant, enter the premises for such purposes by the use of only such force as may be necessary to effect entry.

**Institution and conduct of prosecution**

**138.** The Registrar General or a public officer authorized by the Registrar General in that behalf in writing or a police officer not below the rank of an Inspector may, with the written consent of the Public Prosecutor, institute and conduct prosecution in respect of an offence under this Act or any regulations made under this Act.

**Power to compound offences**

**139.** (1) The Registrar General may, in a case where he deems it fit and proper so to do, and with the written consent of the Public Prosecutor, compound any offence committed by a person which is punishable under this Act, except an offence under section 72 and subsection 132(1), or any regulations made under this Act by making a written offer to the person to compound the offence on payment to the Registrar General, within such time as may be specified in the offer, of such sum of money, as may be so specified, which shall not exceed fifty per centum of the amount of the maximum fine to which the person would have been liable if he had been convicted of the offence.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer, or within such extended period as the Registrar General may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1)—

- (a) no prosecution shall thereafter be instituted in respect of the offence against the person to whom the offer to compound was made; and
- (b) any goods, thing or other article seized in connection with the offence shall be released immediately.

(4) Any moneys paid to the Registrar General pursuant to subsection (1) shall be paid into and form part of the Federal Consolidated Fund.

PART XV

MISCELLANEOUS

**Officers deemed to be public servants**

**140.** Every person appointed, or lawfully exercising the powers of a person appointed, under Part II, shall be deemed to be a public servant for the purpose of the Penal Code [*Act 574*].

**Requirements as to premises**

**141.** (1) A governor or person responsible for the management of an educational institution shall ensure that the premises of the educational institution conform to such standards as may be prescribed for educational institutions of the description to which the educational institution belongs.

(2) If the Minister is satisfied with respect to an educational institution that having regard to the nature of the site or to any existing buildings thereof or to other special circumstances affecting the premises it would be unreasonable in that case to require conformity with the prescribed standards referred to in subsection (1) in any particular respect, he may direct that the premises shall be deemed to conform to the prescribed standards if in lieu of conforming to the prescribed standards the premises conform to such other requirements as may be specified in the direction.

**Enrolment of pupils in government or government-aided educational institutions**

**142.** Except with the permission of the Registrar, a pupil who is enrolled as a pupil in a government or government-aided educational institution shall not, whilst so enrolled, be enrolled in any other such educational institution.

**Power to exempt educational institutions**

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

**Special Committee**

**144.** Notwithstanding any other provision in this Act, the Minister may constitute a special committee consisting of such persons as the Minister may appoint in respect of—

- (a) any particular educational institution or class of educational institutions; or
- (b) any educational matter or project,

for the purpose of advising him in matters relating thereto, and may in his discretion confer on the committee all or any of the powers conferred on a Committee of Enquiry by section 127.

**Service of notices, etc.**

**145.** (1) Any notice, order or communication, which is required to be, or which may be, sent to or served on—

- (a) a chairman of a board of governors, governor or other person responsible for the management, or an employee, of an educational institution registered under this Act, may be served by letter addressed to the chairman, governor, person or employee at the registered address of the educational institution or may be served by affixing

the notice, order or communication on a conspicuous part of the premises of the educational institution as the Registrar General may deem fit;

- (b) a person applying for the registration of an educational institution or for registration as a teacher, a governor or an employee may be served by letter addressed to the person at the address stated in his application form;
- (c) a registered teacher may be served by letter addressed to the educational institution or address last reported to the Registrar General under section 116;
- (d) the holder of a permit to teach issued under section 114 may be served by letter addressed to the educational institution in respect of which the permit was issued; and
- (e) any person other than persons specified in paragraphs (a) to (d) may be served by letter addressed to the person at his last-known place of residence.

(2) Notwithstanding paragraph (1)(a), if the chairman of the board of governors of an educational institution has not been appointed, a notice, order or communication for service on the chairman may be addressed to or served upon the person who, in the opinion of the Registrar General, is in charge of the educational institution.

## PART XVI

### TRANSITIONAL AND REPEAL

#### **Change of title of certain educational institutions**

**146.** On the appointed date all educational institutions which, immediately before the date were—

- (a) national primary schools shall be known as national schools; and

- (b) national-type primary schools shall be known as national-type schools.

### **Secondary vocational schools to be part of national secondary schools until annulled**

**147.** Secondary vocational schools established before the appointed date shall continue to be part of the national secondary schools under paragraph 30(1)(b) until such schools are annulled by the Minister by order published in the *Gazette*.

### **Assistance to existing educational institutions**

**148.** Subject to the provisions of this Act, the Minister shall continue to assist all educational institutions which were in receipt of grant-in-aid or other similar financial assistance from the Government or from public funds on the day immediately preceding the appointed date.

### **Saving in respect of contribution towards religious teaching**

**149.** Notwithstanding anything to the contrary, the Federal Government may continue to make payments in respect of the cost referred to in section 37 of the Education Act 1961 in relation to religious instruction given under section 36 of the Act as if the sections had not been repealed by this Act.

### **Saving in respect of certain exempted educational institutions, etc.**

**150.** Until such date as the Minister may, by notification in the *Gazette*, appoint—

- (a) all educational institutions exempted from the provisions of the Education Act 1961 by section 127 of the Act shall

be exempted from the corresponding provisions of this Act; and

- (b) a teacher exempted from the provisions of Part VI of the Education Act 1961 by section 128 of the Act shall be exempted from the provisions of Part IX of this Act.

### **Saving in respect of registered educational institution, governor, manager or employee**

**151.** Any educational institution, governor, manager or employee registered or deemed to be registered under the provisions of the Education Act 1961 shall, on the appointed date, be deemed to have been registered under this Act and—

- (a) subject to paragraph (b), the provisions of this Act shall apply to the educational institution, governor, manager or employee as if the educational institution, governor, manager or employee was registered under this Act; and
- (b) the conditions imposed on the educational institution, governor, manager or employee prior to the coming into force of this Act shall continue to remain in force as if the conditions were imposed under this Act.

### **Winding up of Central Board**

**152.** (1) The Minister may, on a date to be determined by him, by notice published in the *Gazette*, order the winding up of the Central Board established under section 92 of the Education Act 1961.

(2) Upon its winding up—

- (a) the members, including the Chairman of the Board, shall cease to hold office;
- (b) the Board shall cease to be the employer of a teacher in an educational institution;

- (c) any interests in any movable or immovable property and any rights and liabilities which hitherto were vested in or might be had by the Board immediately prior to the date of the winding up of the Board shall devolve on the Government; and
- (d) the Minister may give such directions as he deems proper in respect of any staff or employee of the Board.

### **Maintenance of contributory fund**

**153.** (1) Any contributory fund (including the Teacher's Provident Fund) established under the Education Act 1961 or any regulations made under the Act shall continue to be maintained and managed in accordance with any written law relating to the fund until the Yang di-Pertuan Agong makes an order for its winding up or otherwise.

(2) A winding up order under this section shall be made only on the advice of the Minister of Finance.

(3) The Minister may by regulations amend any rule or regulation relating to the fund made prior to the appointed date to provide for the better administration of the fund or to remove any difficulty relating to the fund.

### **References to governor or board of governors to include manager and board of managers**

**154.** References in this Act to a governor shall include references to a manager registered under the Education Act 1961 and references to the board of governors shall include references to the board of managers under the Act.

### **Repeal**

**155.** (1) The Education Act 1961, the Education (Amendment) Act 1963 [*Act 32 of 1963*], the Education Act (Extension to Sarawak)



Order 1975 [*P.U. (A) 425/1975*] and the Education Act (Extension to Sabah) Order 1976 [*P.U. (A) 176/1976*] are repealed.

(2) All appointments, regulations, rules, by-laws, exemptions, directions and orders made, all registers kept and all certificates granted or having effect under the laws or orders repealed by this section and in force or having effect at the commencement of this Act, shall (without prejudice to the power of the Minister to amend the regulations, rules and by-laws, by any regulations or to amend, revoke or withdraw the exemptions, directions or certificates by order or direction made under the appropriate provisions of this Act and subject to such modifications as may be necessary to bring the regulations, rules, by-laws, exemptions, directions, or orders in conformity with this Act) continue to be in force and have effect as if they had been made, kept, or granted under this Act, until otherwise provided for under this Act.

### **Power of Minister of Finance**

**156.** Nothing in this Act shall be deemed to affect the exercise by the Minister of Finance of the powers conferred upon him by section 6 of the Financial Procedure Act 1957 [*Act 61*] in respect of the management of the Consolidated Fund and the supervision, control and direction of matters relating to the financial affairs of Malaysia.

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#### SCHEDULE

[Subsection 18(2)]

#### CORE SUBJECTS IN THE NATIONAL CURRICULUM

##### **Core subjects in the National Curriculum**

1. The core subjects in the National Curriculum shall form the fundamental basis of the education of a pupil in all schools within the National Education System.

##### **Core subjects at the primary level**

2. The core subjects at the primary school level shall be—

- (a) the National Language;
- (b) the English Language;
- (c) the Chinese Language, for pupils in national-type schools (Chinese);
- (d) the Tamil Language, for pupils in national-type schools (Tamil);
- (e) Mathematics;
- (f) Science;
- (g) Local Studies;
- (h) Islamic Education, for pupils professing the religion of Islam; and
- (i) Moral Education, for pupils not professing the religion of Islam.

**Core subjects at the secondary level**

**3.** The core subjects at the secondary school level shall be—

- (a) the National Language;
  - (b) the English Language;
  - (c) Mathematics;
  - (d) Science;
  - (e) History;
  - (f) Islamic Education, for pupils professing the religion of Islam; and
  - (g) Moral Education, for pupils not professing the religion of Islam.
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**LAWS OF MALAYSIA****Act 550****EDUCATION ACT 1996****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A1152	Education (Amendment) Act 2002	01-01-2003
Act A1341	Education (Amendment) Act 2008	15-06-2009
Act A1490	Education (Amendment) Act 2015	01-01-2012

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## LAWS OF MALAYSIA

### Act 550

### EDUCATION ACT 1996

#### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A1152 Act A1341 Act A1490	01-01-2003 15-06-2009 01-01-2012
5	Act A1152 Act A1341	01-01-2003 15-06-2009
9A	Act A1341	15-06-2009
15	Act A1152	01-01-2003
22	Act A1152 Act A1341	01-01-2003 15-06-2009
29	Act A1152	01-01-2003
29A	Act A1152	01-01-2003
33A	Act A1490	01-01-2012
33B	Act A1490	01-01-2012
33C	Act A1490	01-01-2012
33D	Act A1490	01-01-2012
35	Act A1490	01-01-2012
44	Act A1341	15-06-2009
49	Act A1341	15-06-2009
67	Act A1341	15-06-2009
77	Act A1341	15-06-2009
130	Act A1490	01-01-2012
Throughout the Act	Act A1341	15-06-2009

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