

出版说明

我国自 1957 年独立建国近 50 年迄今，总共发布了三份教育法令，即《1957 年教育法令》、《1961 年教育法令》及《1996 年教育法令》。这三部不同时期诞生的法令，无论从起草、公布草案、引起争论，到国会三读通过、宪报的公布实施，乃至日后对法令的修订或有关的官员依据有关法令草拟的各类教育条例，都是全国人民，尤其是华社非常关注、关心的事情。

鉴于我国广大的华裔同胞对这项法令的重视，而当前政府所出版的《1996 年教育法令》只有英、巫文版，坊间至今尚未见有业者出版中文版，且教育法令中英、巫文专有名词不易使一般人理解。故为了让华社能更掌握有关法令的各项条文及条文精神，董总特别邀请邝其芳律师翻译成中文本出版。当然，任何的争议，一切仍以英文为准，基此也同时为便利读者的对照检索，本书也连同英文法令原文附录于后。

本会也希望读者诸君能本着精益求精的精神，若对本翻译文字有任何意见，欢迎来函指正。

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《1996 年教育法令》

(中译本)

绪论 (Preamble)

一项对教育及有关事务做出规定的法令。

鉴于知识被公认为是决定国家命运和生存的关键因素；

鉴于教育的目的，是要马来西亚社会，在这个由于科技和信息迅猛发展而高度竞争和全球化的世界，掌握必要的知识、技能和价值观；

鉴于我国要在经济发展，社会公正以及精神、道德和伦理方面成为一个全面发展国家的宏愿，以塑造一个团结、民主、自由和具有活力的社会，而教育扮演了决定性的角色；

鉴于发展一个具有国际素质水准的教育系统，以发挥个人的全部潜能和实现马来西亚的国家理想这个使命；

鉴于国家教育政策 (National Education Policy) 是基于下述的国家教育哲学 (National Philosophy of Education)：

“马来西亚的教育是朝向持续不断全面性和综合性发展个人潜能的努力过程，在信奉和遵从上苍的基础上，培养出在智力、精神、情感和身心各方面平衡及和谐的个人。这项努力是为了要培养有知识、有能力、有高尚品德、有责任感，以及能够获得个人幸福和为家庭，社会与国家的改进做出贡献的马来西亚公民”；

鉴于上述政策将通过一项规定国语为主要教学媒介、国家教育课程和共同考试的国家教育制度来执行；所提供的教育是多样化与全面性的，并将满足国家的需求，以及根据国家原则，通过文化、社会、经济和政治等方面的发展来促进国家团结：

同时鉴于只要是符合上述政策、能提供有效的教导，以及没有不合理的公共开销，那么应该考虑到学生必须根据他们家长意愿接受教育这个普遍原则；

因此，在国会上、下议院的建议与同意下，以及根据它们的权力，最高元首陛下兹立法如下：

第一章

前言 (Preliminary)

1. 简称与生效日期 (Commencement)

本法令可以称为《1996 年教育法令》，它必须从一个由部长在宪报上所公布的指定日期开始生效，而部长有权为本法令内不同的条文指定不同的生效日期。

2. 释义 (Interpretation)

在本法令里，除非其上下文表示有别的含义：

“**年龄**”(age)对学生而言，是指该学生在有关学年正月一日的年龄；

“**指定日期**”(appointed date)是指本法令开始生效的日期；

“**受批准收费**”(approved fees)是指获得部长批准的收费；

“**副注册官**”(Assistant Registrar)是指在第 5(3)条下被委任的学校副注册官或教师副注册官；

“**固定资本拨款**”(capital grant)是指一项由公共基金拨予一间教育机构，作为下列用途的款项：

- (a) 设置建筑物；
- (b) 翻修或扩建现有校舍；
- (c) 为新建、翻修或扩建的校舍购置桌椅板凳或配备；或
- (d) 其他指定用途；

“**总督学**”(Chief Inspector)是指在第 6(1)条下被委任的学校总督学；

“**华语**”(Chinese language)是指一般称为“普通话”(Mandarin) 的华语；

“**强制教育**”(compulsory education)是指小学教育，它在第 29A(1)条被规定为强制教育。

“**通信**”(correspondence)是指以邮寄或手递方式传达消息；

“**函授学校**”(correspondence school)是指以通信方式传授知识或教学的组织或机构；

“**教育局长**”(Director of Education)是指在第 4 条下被委任的州或联邦直辖区教育局长；

“**总监**”(Director General)是指在第 3 条下被委任的教育总监；

“**远程教育中心**”(distance education centre)是指以下列方式传授知识或教学的地点、组织或机构：

- (a) 完全使用电子媒介；
- (b) 完全使用通信；
- (c) 部份使用电子媒介及部份使用通信或其他方式；或
- (d) 部份使用电子媒介及部份使用通信以及其他方式；

“**教育官员**”(Education Officer)对于县或区而言，是指在第 4 (b)条下被委任的教育官员；

“**教育服务**”(Education Service)是指在联合邦宪法第 132(1)(h)条下的一项公共服务；

“**教育机构**”(educational institution)是指一所学校，或是指当一个组织或机构进行其工作的时候，不论是在一个或多个班级，人们惯性地接受教导的任何地方，包括幼稚园和远程教育中心，惟不包括：

- (a) 纯粹是教导任何宗教的地方；或
- (b) 由部长在宪报上宣布为不是本法令所指的教育机构的地方；

“**雇员**”(employee)是指受董事会雇用的人士，惟不包括董事、教师或在第 58(2)或 61(2)条下由部长委任或提名的任何人士，以执行或处理一所教育机构的运作或行政职务；

“**进修教育**”(extension education)是指为对那些没有在教育机构接受正规课程的人士提供的全日性或非全日性教育；

“**政府学校**”(government school)是指在本法令第四章下由部长设立并负责其所有经费的学校；

“**政府资助学校**”(government-aided school)或“**政府资助教育机构**”是指得到全部资助拨款以及固定资本拨款的学校或教育机构；

“**董事**”(governor)是指在董事会章程下授权管理或经营学校或教育机构的人士；

“**资助拨款**”(grant-in-aid)是指从公共基金拨予一所教育机构的除了固定资本拨款以外的任何款项；

“**高等教育**”(higher education)是指高等教育机构提供的教育；

“**高等教育机构**”(higher educational institution)是指提供颁发专科文凭或学位或同等资格的课程的教育机构；

“**管理章程**”(instrument of government)是指在第 53 条所提的管理章程 (instrument of government)；

“**幼稚园**”(kindergarten)是指提供学前教育予十名或以上学生的任何地方；

“**初中教育**”(lower secondary education)是指适合小学毕业孩童就读的为期三年的课程；

“**国家课程**”(National Curriculum)是指所规定的课程；

“**国语**”(national language)是指联邦宪法第 152 条所指定的马来语；

“**国民学校**”(national school)是指这样的一所政府小学或政府资助小学：

- (a) 它为自六岁起的孩童提供合适的初等教育；
- (b) 国语为其主要教学媒介；
- (c) 英语为必修科；以及
 - (i) 如果有至少十五名孩童的家长提出要求，那么必须开设华文或淡米尔文班；
 - (ii) 如果有至少十五名孩童家长提出要求，而如果那样做是合理及行得通的话，那么必须开设其他土著族群的语文班。

“**国民中学**”(national secondary school)是指一所政府中学或政府资助中学：

- (a) 它为刚完成初等教育的孩童提供合适的五年中等教育课程；
- (b) 国语为其主要教学媒介；
- (c) 英语为必修科；
- (d)
 - (i) 如果学校里至少有十五名孩童家长提出要求，那么必须开设华文或淡米尔文班；
 - (ii) 如果学校里至少有十五名孩童家长提出要求，而如果那样做是合理及行得通的话，那么必须开设其他土著族群的语文班；以及
 - (iii) 阿拉伯文、日文、德文或法文或其他外国语文的班级可以开设如果那样做是合理及行得通的话； 以及
- (e) 准备学生参加可能规定的考试，并包括有开办预备班的此类学校；

“**国民型学校**”(national-type school) 是指这样的一所政府小学或政府资助小学：

- (a) 它为自六岁起的孩童提供合适的初等教育；
- (b) 华语或淡米尔语为其主要教学媒介； 以及
- (c) 国语及英语为必修科。

“家长”(parent)包括监护人，或者是对孩童在法律上或实际上控制的任何人士；

“地方”(place)是指任何公共的或私人的地方；

“中学后教育”(post-secondary education)是指为高中毕业人士提供的教育，惟不包括高等教育；

“学前课程”(pre-school curriculum)是指部长在第 22 条下规定的国家学前课程；

“学前教育”(pre-school education)是指为四至六岁之间的孩童所提供的教育课程；

“校舍”(premises)是指使用为教育机构的任何建筑物，并包括目的为该教育机构学生、教师及其他职员提供住宿及其他便利的任何建筑物，惟不包括其所占据的土地；

“规定”(prescribed)是指本法令下制订的条例所作的规定；

“初等教育”(primary education)是指在小学阶段的教学课程，其订订年限为六年，但可以在五至七年内完成；

“小学”(primary school)是指为六岁起的孩童提供合适的初等教育的学校；

“私立学校”(private school)或“私立教育机构”是指不是政府开设或资助的学校或教育机构；

“学生”(pupil)是指在一所教育机构里接受教育或训练的任何年龄的人士；

“注册教师”(registered teacher)是指任何在本法令下注册的教师；

“注册官”(Registrar)是指在第 5 (3) 条下委任的学校与教师注册官，包括总注册官；

“总注册官”(Registrar General)是指在第 5 (1) 条下委任的学校与教师总注册官，并包括在第 5 (2) 条下委任的学校与教师副总注册官；

“学校”(school)是指有十名或以上的人士，不论是在一个或多个班级，惯性地接受教导的地方，唯不包括其课程纯粹是为教导任何宗教的任何地方；

“中等教育”(secondary education)是指涵盖初中和高中的教育；

“中学”(secondary school)是指为刚完成初等教育孩童所提供的适当的中等教育的学校；

“特殊教育”(special education)是指为学生的特殊需要所提供的教育；

“**特殊学校**”(special school)是指一所提供在第 41 条下制订的条例所规定的特殊教育的学校；

“**州当局**”(State Authority)是指州统治者或州元首；对联邦直辖区而言，则是最高元首；

“**教师**”(teacher)是指这样的人士：

- (a) 他在一所教育机构教导学生；或
- (b) 他是在一所远程教育中心，或为一所远程教育中心，或通过一所远程教育中心撰写或发出教学讲义或批改所交回的作业答案；

“**预备班**”(transition class)是指在初中教育开始之前，在中学里为来自非国语源流小学的学生所提供为期一年的教学；

“**高中教育**”(upper secondary education)是指适合初中毕业孩童的能力与性向的教育。

第二章

行政 (Administration)

3. 教育总监的委任及其职责 (Appointment and duty of Director General of Education)

- (1) 最高元首必须自教育服务的官员中，委任一名教育总监。
- (2) 教育总监拥有本法令所授予的权力以及必须履行本法令所规定的职责，并就教育事务对部长提出建议。

4. 州教育局长及其他教育官 (State Director of Education and other Education Officers)

- (a) 在马来西亚的每一州或部长所指定的地区必须设有一名教育局长；以及
- (b) 在每一个县或部长所指定的某一州的地区必须设有一名为执行本法令的教育官员。

5. 学校与教师总注册官 (Registrar General of Schools and Teachers)

- (1) 部长必须委任一名学校与教师总注册官。
- (2) 部长可以委任一名学校与教师副总注册官。
- (3) 部长必须为每一州以及部长可能指定的马来西亚境内的任何地区，委任一名学校与教师注册官，并且可以委任多名为执行本法令所需要的学校副注册官以及教师副注册官。
- (4) 副总注册官、注册官以及副注册官必须是隶属总注册官的管辖和控制。
- (5) 总注册官必须拥有本法令所授予的权力以及必须履行本法令所规定的职责，而当他不在时，副总注册官则代为行使其权力和执行其职责。
- (6) 注册官或副注册官可以行使由本法令所授予总注册官的全部权力和职务，惟必须依据总注册官所规定的限制办事。

6. 总督学及督学 (Chief Inspector of Schools and Inspector of Schools)

- (1) 部长必须委任一名学校总督学。
- (2) 部长必须委任为执行本法令所需要的其他学校督学。
- (3) 所有在第(2)项下委任的督学，必须是隶属总督学的管辖和控制。

7. 考试局局长 (Director of Examinations)

- (1) 部长必须委任一名考试局局长，同时也可以委任他认为为执行本法令所需要的其他官员，在考试局局长的管辖和一般控制下办事。
- (2) 在第 68 条下所制定的任何条例的约束下，考试局局长必须负起为执行本法令而办理考试的职责。

8. 部长发出一般性训令的权力 (Power of Minister to issue general directions)

部长可以就他认为影响国家教育政策的所有事务，向本章下委任的任何官员，不时发出符合本法令规定的一般性训令，以指示该官员如何行使本法令所赋予的权力与取决权，以及如何履行本法令及其条例下的职责，而该官员必须执行所发出的每项训令。

9. 部长发出特别训令的权力 (Power of Minister to issue special directionns)

部长可以不时就任何可以被本法令下制定的条例所管制的事务，向

- (a) 任何教育机构的任何董事，或任何在第 61(1)条下受委任的董事会成员，或任何雇员或校长；以及
 - (b) 任何在《1961 年教育法令》第 92 条下设立的中央局成员，
- 发出符合本法令或其条例的训令，有关董事、董事会成员、雇员或校长必须执行所发出的每项训令。

第三章

国家教育咨询理事会 (National Education Advisory Council)

10. 国家教育咨询理事会 (National Education Advisory Council)

- (1) 为本法令需要，可以设立国家教育咨询理事会。
- (2) 国家教育咨询理事会必须由部长所委任的主席及其他人士组成。
- (3) 在受到本章下制定的条例约束下，教育咨询理事会每一名成员的任期及约束条件，必须是根据其委任状所规定者。
- (4) 在本条款下所做出的任何委任，必须在宪报公布。

11. 国家教育咨询理事会的功能 (Functions of National Education Advisory Council)

- (1) 部长可以向国家教育咨询理事会，征询任何有关教育事务的意见。
- (2) 对于任何在第(1)项下受征询的任何事务，国家教育咨询理事会必须与予考虑并向部长提呈其建议。

12. 出席会议的权利 (Right of Attendance)

部长可以出席，或委派代表出席国家教育咨询理事会的任何会议。

13. 制定有关国家教育咨询理事会条例的权力 (Power to make regulations in relation to National Education Advisory Council)

部长可以制定条例以实施本章的规定，同时在不影响到上述权力的行使下，可以通过该条例以管制：

- (a) 理事会成员的人数；
- (b) 成员的任期及条件；
- (c) 理事会的会议及其程序；
- (d) 委员会及属下小组的成立；以及
- (e) 部长认为理事会正常运作所需要涉及的事宜。

14. 国家教育咨询理事会制定本身的工作程序 (National Education Advisory Council may regulate its own procedure)

在本法令以及任何本法令下制定的条例的约束下，国家教育咨询理事会可以订立本身的工作程序。

第四章

国家教育制度 (National Education System)

第一节 国家教育制度 (The National Education System)

15. 国家教育制度 (National Education System)

国家教育制度必须包括：

- (a) 学前教育 (pre-school education)；
 - (b) 初等教育 (primary education)；
 - (c) 中等教育 (secondary education)；
 - (d) 中学后教育 (post-secondary education)；以及
 - (e) 高等教育 (higher education)。
- 但不包括外侨学校或国际学校的教育。

16. 教育机构的种类 (Categories of educational institutions)

在国家教育制度内，有三种教育机构，即：

- (a) 政府教育机构 (government educational institution)；
- (b) 政府资助教育机构 (government-aided educational institution)；以及
- (c) 私立教育机构 (private educational institution)。

17. 国语作为主要教学媒介 (National language as the main medium of instruction)

- (1) 国语必须是国家教育制度内所有教育机构的主要教学媒介，除了在第 28 条下设立的国民型学校，或者由部长豁免不受本条款约束的任何其它教育机构。
- (2) 如果一所教育机构的主要教学媒介不是国语，那么该教育机构必须将国语列为必修科。

18. 所有学校必须采用的国家课程 (National Curriculum to be used by all schools)

- (1) 部长必须规定一项课程，称为国家课程，而在第(3)项的约束下，国家教育制度内所有学校都必须使用这个课程。
- (2) 在第(1)项下规定的国家课程，必须列出预期学生于修业期满时具有的知识、技能和价值观。它也必须包含附表所列明的核心科目，以及所规定的其它科目。
- (3) 对于私立学校，如果它们有教导附则(Schedule)所列明的国家课程的核心科目，则被视为已经遵循了第(1)项的要求。
- (4) 部长可以不时于宪报公布以增添，修订或修改该附则(Schedule)。

19. 学校必须准备学生参加所规定的考试 (Schools to prepare pupils for prescribed examination)

每所学校都必须准备其学生参加由或在本法令下或者在其下制定的任何条例规定的考试，除非是由或在本法令下获得豁免者。

第二节 学前教育 (Pre-School Education)

20. 有关幼稚园设立、管理或经营的禁令 (Prohibition against the establishment, operation or management of kindergartens)

- (1) 没有幼稚园可以被设立、管理或经营，除非是在本法令下注册者。
- (2) 任何人触犯第(1)项，将是犯下一项罪行。

21. 教长设立幼稚园的权力 (Power of Minister to establish kindergartens)

部长可以在本法令条文的约束下，设立及维持幼稚园。

22. 所有幼稚园使用的国家学前课程 (National Pre-School Curriculum to be used by all Kindergartens)

- (1) 部长必须规定一个课程（称为国家学前课程），而所有幼稚园必须使用此课程。
- (2) 第(1)项所规定的国家学前课程必须注明在有关学前教育结束时学生应掌握的知识、技能和价值。
- (3) 任何幼稚园如要实施除国家学前课程之外的任何课程，必须在实施该额外课程之前，依照所规定的程序将有关意愿通知总注册官。
- (4) 任何触犯第(1)或第(3)项者将是犯下一项罪行，并在罪名成立时罚款不超过一万零吉或监禁不超过一年或两者兼施。

23. 幼稚园的教学媒介 (Language of instruction in kindergartens)

虽然有第 17(1)条的规定，非国语的语文也可以作为幼稚园的教学媒介；惟当一所幼稚园使用非国语的语文时，它必须将国语列为必修科。

24. 制定有关学前教育条例的权力 (Power to make regulations in relation to pre-school education)

部长可以制定条例以实施本节的条文。

25. 第二节不适用于托儿所 (Chapter 2 not applicable to child care centres)

本节的条文不适用于在任何成文法律下设立和注册的托儿所。

26. 第 18 及 19 条的不适用性 (Non-application of sections 18 and 19)

第 18 与 19 条不适用于幼稚园。

第三节 初等教育 (primary Education)

27. 部长必须提供初等教育 (Minister to provide primary education)

部长必须负责在政府小学和政府资助小学提供初等教育：

28. 国民与国民型学校的设立与维持 (Establishment and maintenance of national and national-type schools)

在本法令条文的约束下，部长可以设立国民学校与国民型学校，并且必须维持这些学校。

29. 初等教育年限 (Duration of primary education)

在本法令下设立的国民学校、国民型学校或私立学校，必须提供年限为六年的初等教育课程，惟该课程亦可在五至七年内完成。

29A. 强制小学教育 (Compulsory primary education)

- (1) 部长可以在宪报上颁布命令，规定小学教育为强制教育。
- (2) 每位居住在马来西亚而身为父母的公民必须确保其于现学年的一月一日时满六岁的孩子已在一所小学报名就读，并在强制教育期间继续是某小学的学生。
- (3) 如果部长认为合适及符合学生或公众的利益，他可以在宪报上公布，豁免任何学生或任何类别的学生无需遵守强制教育的规定；有关豁免可以是无条件的或是附有部长认为合适的条件。部长可以随时自行决定撤消这个豁免，或是取消、更改或增添有关条件。
- (4) 任何违反第(2)项节的父母将是犯下一项罪行，可以被罚款不超过五千零吉或监禁不超过六个月或两者兼施。
- (5) 部长可以为落实本条文而制定条例。

第四节 中等教育 (Secondary Education)

30. 部长负责提供中等教育 (Minister to provide secondary education)

- (1) 部长必须负责在下列各类型的国民中学提供中等教育：
 - (a) 学术中学(academic secondary school)；
 - (b) 技术中学(technical secondary school)；以及
 - (c) 由部长不时决定的其他类型的中学。
- (2) 在本法令条文的约束下，部长可以在任何一间国民中学提供高中教育。

31. 中学的设立与维持 (Establishment and maintenance of secondary schools)

在本法令条文的约束下，部长可以设立与维持第 30 条所提及的任何学校。

32. 预备班 (Transition class)

部长可以在任何学术性国民中学开设预备班。

第五节 中学后教育 (Post-Secondary Education)

33. 中学后教育 (Post-secondary education)

- 部长可以在下列地方提供中学后教育：
- (a) 第 30(1)(a)与 30(1)(b)条所提及的国民中学；
 - (b) 学院；以及
 - (c) 由部长在本法令下设立与维持的任何其他的国民中学或其他教育机构。

第六节 其他教育机构 (Other Educational Institutions)

34. 其他教育机构 (Other educational institutions)

- (1) 在本法令条文的约束下，部长可以设立与维持以下的教育机构：
 - (a) 学院(colleges)，唯不包括在或被视为在《1971 年大专法令》下设立的具有大学或大专院校地位的学院；
 - (b) 特别学校；
 - (c) 工艺学院(polytechnics)；以及
 - (d) 不是在本法令或《1971 年大专法令》下设立或维持的任何其他教育机构。
- (2) 部长可以拨出资助拨款给属于上述(1)(a)及(1)(b)项但并非他设立的教育机构。

第七节 技术教育与工艺专科学院 (Technical Education and Polytechnics)

35. 国民中学与其他教育机构的技术教育 (Technical education in national secondary schools and other educational institutions)

- (1) 部长可以在下列地方提供技术教育：
 - (a) 第 30 条提及的任何国民中学；或
 - (b) 第 34(1)(a)或 34(1)(c)条提及的其他教育机构。
- (2) 第(1)项所指的技术教育包括以下内容：
 - (a) 技艺训练；
 - (b) 特定工作的专业训练；
 - (c) 提升既有技艺的训练；以及
 - (d) 其他经部长批准的技术或职业训练。

36. 工艺专科学院可以提供部长批准的课程并颁发文凭 (Polytechnics may offer courses of study and award qualifications approved by Minister)

在本法令第 34(1)(c)条下设立的工艺专科学院可以：

- (a) 提供部长批准的课程和训练计划；以及
- (b) 颁发所规定的证书 (certificates)、专科文凭 (diplomas) 或其他资格 (qualification) 的证件。

37. 与技术职业教育领域的其他机构和工业团体的合作 (Collaboration with other institutions and industrial organizations in technical and vocational education)

- (1) 在获得部长批准的情况下，在本法令下设立的工艺专科学院可以与任何机构 (institution)、公司 (corporation) 或工业团体 (industrial organization) 合作提供部长认为有利于实现下列目标的技术或职业课程，或训练计划 (包括交换计划)：
 - (a) 落实工艺转移；
 - (b) 提高该学院教师、雇员及学生的技术及职业方面的能力；以及
 - (c) 实施部长认为对该学院、学生或教师应有及有益的训练计划。

(2) 在第(1)项下所给予的批准，可由部长施加条件予以约束。

38. 关于大学等学府的学位课程 (Provisions as to courses of study in respect of degrees conferred by universities, etc)

- (1) 在本法令下设立的任何工艺专科学院可以在部长批准下，开办由马来西亚境内或境外任何大学或高等教育机构所颁发之专科文凭、证书或其他资格的研究课程或训练计划。

- (2) 在第(1)项下给予的批准，可以受到部长认为适合施加的条件的约束。
- (3) 部长不得在第(1)项下发出批准，除非他已感到满意，该工艺专科学院对有关研习课课程及训练计划，已经与有关大学或高等教育机构做好所有合适的准备。

39. 为工艺专科学院制定条例的权力 (Power to make regulations in relation to polytechnics)

部长可以制定条例以落实本章的条文，并在不影响行使此种权力的情况下，有关条例可以对下列事项做出规定：

- (a) 成立委员会或组织，为工艺专科学院进行评估、鉴定或考试；
- (b) 成立委员会或组织，以开发、监督及修改工艺专科学院所提供的研习课程及训练计划；
- (c) 颁发证书(certificate)或专科文凭(diploma)或其他资格(qualification)的证件；
- (d) 学生纪律；
- (e) 为工艺专科学院的课外活动组织理事会、团体或小组委员会，以及对这些组织的管理、经营、控制及解散；以及
- (f) 部长为落实本章而认为合适或必要的任何其他事项。

第八节 特别教育 (Special Education)

40. 部长必须开设特别教育 (Minister to provide special education)

部长必须为第 34(1)(b)条下成立的特别学校，或他认为合适的小学或中学开设特别教育。

41. 规定特别教育年限与课程的权力 (Power to prescribe the duration of and curriculum on special education)

- (1) 在第(2)及(3)项的约束下，部长可以通过条例规定
 - (a) 符合接受特别教育的学生需求的小学和中学教育年限；
 - (b) 特别教育所采用的课程纲要；
 - (c) 需要特别教育的学生类别以及适合每一类别特别教育的学生的教育方式；
 - (d) 部长为落实本章而认为合适或必要的任何其他事项。
- (2) 部长在第(1)(a)项下规定的年限不可少于本法令下所规定的小学或中学教育的最低年限。
- (3) 第(1)(b)项规定的课程，必须在尽可能合理和可行的情况下符合国家课程的规定。

第九节 师资教育 (Teacher Education)

42. 设立师资教育学院的限制 (Restrictions on establishment of teacher education college)

除非得到部长的批准，无人可以设立或维持任何师资教育学院。

43. 师资教育学院的注册 (Registration of teacher education colleges)

所有在第 42 条下获准成立或维持的师资教育学院必须在本法令下注册。

44. 师资教育学院所颁发的文凭或其他资格证件 (Award of certificates and other qualifications by teacher education colleges)

在本法令下成立的师资教育学院可以颁发文凭或其他规定的资格证件。

45. 部长可设立有关及维持师资教师学院 (Minister may establish and maintain teacher education colleges)

尽管有第 42 条的规定，部长可以设立及维持师资教育学院和在有关学院提供行师资教育课程。

46. 师资教育学院必须提供部长所批准的研究课程 (Teacher education colleges to conduct courses of study approved by Minister)

任何在本章下设立的师资教育学院必须提供由部长事先批准的研习课程及训练计划。

47. 提供由大学或高等学府颁发学位、文凭等有文的研习课程 (Provision as to courses of study in respect of degrees, etc. conferred by universities, etc.)

- (1) 在本章下成立的任何师资教育学院,在获得部长的批准下,可以举办研习课程或训练计划,以获取马来西亚国内或国外的任何大学或其他高等学府所颁发的学位、专业文凭、证书或其他受承认的资格凭证。
- (2) 第(1)项下所给予的批准可以施加部长认为适合的限制及条件。
- (3) 除非部长认为有关师资教育学院和提供上述研习课程或训练计划的大学或其他高等学府已做出适当的安排,部长不得在第(1)项下给予批准。
- (4) 任何违反第(1)项或违反部长在第(2)项下制定的限制或条件的人,应被视为一项犯罪行为,若罪名成立,将被处以不超过三万零吉的罚款或不超过两年的监禁,或两者兼施。

48. 师资教育学院的管理章程 (Instrument of government for teacher education colleges)

- (1) 除了在第 45 条下由部长设立和维持的师资教育学院，任何其他在本法令下成立的师资教育学院必须拥有管理章程。
- (2) 在第(1)项下的任何管理章程必须经过总注册官批准，并于提呈注册时呈交总注册官存档。
- (3) 有关管理章程必须规定成立有一名主席的董事会，按照不违反本法令或在本法令下制定的任何条例规定的方式来管理该师资教育学院。
- (4) 有关管理章程必须依照所规定的方式来制定、修订或废除。

49. 制定师资教育学院条例的权力 (Power to make regulations in relation to teacher education colleges)

部长可以制定条例以落实本章的条文，并且在不影响他的一般性权力下，有关条例可以对下列事项做出规定：

- (a) 设立一个为师资教育进行评估或举办考试的局或机构；
- (b) 师资教育学院必须实施的研习课程及训练计划；
- (c) 证书或文凭的颁发；
- (d) 师资教育学院的学生纪律；
- (e) 为处理国、州、县及学院各级课外活动的理事会、机构或委员会的设立、组织、管理、监督及解散；
- (f) 对于师资教育学院所颁发的文凭的承认；
- (g) 师资教育学院的申请注册的程序；以及
- (h) 部长为落实本章而认为合适或必要的任何其他事项。

第十节 教育机构的宗教教学 (*Religious Teaching in Educational Institutions*)

50. 伊斯兰教的教学 (Teaching of the Islamic religion)

- (1) 当一所教育机构有 5 名或以上的信奉伊斯兰教的学生时，这些学生必须由州当局批准的教师教导伊斯兰教的教义。
- (2) 一所教育机构在第(1)项下必须提供的教学，其上课时间必须是在正课内至少两小时，或是针对某所教育机构，部长所指定的时数。
- (3) 在本条款下需要提供教学的任何教育机构，其董事或其他负责管理的人士，必须为此而做出必要的安排。
- (4) 在获得注册官的批准下，两所或以上的教育机构的董事或其他负责管理的人士，可以安排其信奉伊斯兰教的学生联合上课。

51. 其他宗教的教学 (Teaching of religious knowledge of a religion other than Islam)

政府资助学校的董事会可以为该校的学生或其任何一位学生提供除伊斯兰教以外的其他宗教的教学，但：

- (a) 不得从国会的拨款中支付其开销；以及
- (b) 没有学生需要出席不是本身所信奉的宗教的教学，除非获得其家长的书面同意。

52. 对不是由部长或州政府成立或维持的伊斯兰教育机构的财务援助 (Financial assistance to Islamic educational institutions not established or maintained by the Minister or State Government)

在部长认为应施加的限制及条件的约束下，从国会拨款中可以采用财务援助的形式提供拨款给任何不是在本法令下由部长或州政府维持的伊斯兰教教育机构，包括在本法令诠释下的教育机构，或仅仅因为其教学完全局限于伊斯兰教学而非本法令诠释下的教育机构。

第十一节 教育机构的管理 (Management of Educational Institutions)

53. 教育机构的管理章程 (Instrument of government for educational institutions)

- (1) 在本法令规定的约束下，每所学校或教育机构必须有一个管理章程。
- (2) 每个管理章程必须规定成立一个有一位主席的董事会(board of governors)，以在符合本法令或本法令下任何条例的方式来管理该教育机构。
- (3) 第(1)项不适用于政府教育机构，除了国民型学校以及经部长鉴定的学校外。
- (4) 管理章程必须依据所规定的方式来制定、修正或废除。

54. 制定关于管理章程的条例的权力 (Power to make regulations in relation to instruments of government)

- (1) 部长可以为董事会的成立及董事会对所教育机构的管理制定一些条例；并且在不损害到该权力的广泛性下，部长可以在该条例中，规定董事和负责管理该教育机构的其他人士的职责。
- (2) 在第(1)项下制定的任何条例，可以为不同种类的学校或教育机构的董事或其他负责管理人士规定不同的职责。

55. 教育机构必须依据章程进行管制 (Educational institutions to be managed by its instrument of government)

在本法令其他条文，特别是关于豁免的条款的约束下，每所教育机构必须依据管理章程来管理。

56. 部长委任额外董事的权力 (Power of Minister to appoint additional governors)

- (1) 如果部长认为：
 - (a) 某所教育机构的纪律未获得充分的维持；
 - (b) 某所教育机构章程中的条文受到蓄意的忽视；
 - (c) 本法令或本法令下制定的任何条例的任何条文受到蓄意的忽视；
 - (d) 在某所政府资助的教育机构，该教育机构的财产或基金未得到恰当的管理，他可以指名委任他认为适当的人选，出任该教育机构的额外董事。
- (2) 部长可以在任何时候自行决定取消在第(1)项下委任的任何额外董事。
- (3) 在第(1)项下受委出任某所教育机构的额外董事，必须在任何意义下，被视为该教育机构的董事。
- (4) 第八章第三节不适用于在第(1)项下委任的额外董事。

57. 在章程和法令下委任教师 (Appointment of teachers under instrument of government)

在本法令和本法令下制定的任何条例的其他条文约束下，非政府或政府资助的教育机构的教师，其委任必须根据该教育机构的章程。

58. 部长在执行职责时的权力 (Power of Minister in relation to exercise of functions, etc.)

- (1) 如果部长认为某所教育机构的：
 - (a) 董事在行使本法令赋予的任何权力或履行本法令规定的任何职责时，已做出或建议做出不合理的行动；或
 - (b) 董事没有履行本法令规定的任何职责，

部长可以：

 - (aa) 发出他认为适当的关于行使权力或履行职责方面的书面训令，而董事必须遵循上述训令；或
 - (bb) 不论有关教育机构的章程有什么规定，暂停或开除所有或任何董事，委任他认为合适的一位或多位人士掌管及执行有关董事的所有职务，其任期由部长决定。
- (2) 如果在任何时候，某所教育机构没有在本法令下设立的董事会，部长可以委任他认为合适的一位或多位人士执行有关机构的董事职务，其任期由部长决定。

59. 解散政府或政府资助教育机构的董事会 (Dissolution of board of governors of government or government-aided educational institutions)

- (1) 在依据本法令下制定的条例而给予董事会一个解释的机会后，部长可以发出书面通知，致予和交予该教育机构的董事长，命令解散该董事会，如果部长认为该董事会

- (a) 已经违反本法令或本法令下制定的任何条例的规定；
 - (b) 已经违反部长在第 9 条下发出的训令；
 - (c) 已经违反根据第 82(3)条所加予的任何限制或条件；
 - (d) 没有遵守或实施该教育机构章程的任何条文；
 - (e) 没有防止该学校被用于危害马来西亚或其任何领土的利益、或违反公共利益用途；
 - (f) 没有阻止学校被用于任何非法的活动或目的，或非法团体、非法社团或其他非法组织的活动或目的。
- (2) 当部长在第(1)项下将董事会解散，他必须在通知书上列明解散的理由以及解散生效的日期。

60. 解散通知应有的善后处理指示 (Notice of dissolution to contain consequential directions)

在第 59(1)条下发出的解散董事会通知，可以含有任何在部长看来是必要的，或是合适的，或是恰当的属于连带性质，或善后性质，或辅助性质，或过渡性质的指示。

61. 部长必须在解散董事会后委任另一个不同的董事会 (Minister shall appoint a different board upon dissolution of a board)

- (1) 当部长在第 59 条下解散一个董事会，他必须在之后的任何时间根据本法令委任另一个不同的董事会。
- (2) 如果部长还未在第(1)项下委任董事会，该教育机构的校长或由部长自公共服务职员中委任的人士将执行该董事会的权力、职务和责任。
- (3) 当一所政府或政府资助教育机构的董事会在第 59 条下被解散后，第 53、54、55、56、57、及 87 条的规定，将不适用于该教育机构。

62. 政府教育机构董事会的解散 (Dissolution of board of managers or governors of government educational institutions)

- (1) 在指定日期之前成立的所有政府教育机构，除了：
 - (a) 政府国民型小学；以及
 - (b) 由部长指明的政府国民小学或政府国民中学，其董事会将在指定日期根据部长决定的方式而解散，而随此它将停止雇佣教师及其他职员以及停止成为他们的雇主，同时与该教育机构有关的董事会章程也将停止生效。
- (2) 在政府教育机构的董事会根据第(1)项解散后：
 - (a) 在指定日期之前担任董事的人士将停止担任该职位；
 - (b) 在指定日期之前原属于董事会承担的与任何事项有关的权益、责任及义务，将从该指定日期起转由政府承担；以及
 - (c) 第 53, 54, 55, 56, 59 及 87 条将不适用于政府教育机构。

63. 释义 (Interpretation)

在本章中所提及的董事会(board of governors), 在沙巴州包括 Management Committee, 在砂拉越州包括 Committee of Management.

第十二节 便利与服务的提供 (Provision of Facilities and Services)

64. 部长提供援助的权力 (Power of Minister to render assistance)

在本法令下制定的任何条例的约束下, 部长可以为政府或政府资助教育机构的学生或其任何类别的学生提供财务上或其他方式的协助。这些协助可以包括:

- (a) 给予助学金、奖学金、贷学金及其他援助, 以及
- (b) 供应
 - (i) 住宿;
 - (ii) 交通;
 - (iii) 书籍; 以及
 - (iv) 医药及牙医服务,

以协助关学生尽量利用所提供的教育设施, 或促进他们的健康与福利。

65. 学生的医药及牙科检查 (Medical and dental inspection of pupils)

- (1) 在不影响第 65 条下赋予部长的一般权力之下, 只要是合理与可行, 部长就必须在适当的间隔期为政府或政府资助教育机构的学生提供医药及牙科检查。
- (2) 获部长授权处理上述事项的官员, 可以规定任何政府或政府资助教育机构学生的家长或监护人, 依照学校或一位注册医生或牙医的的安排以使学生接受医药或牙科检查; 任何人在缺乏合理的理由下违反该项规定, 将被视为犯下一项罪行; 若罪名成立, 必须处以罚款不超过五百元。

66. 寄宿便利 (Boarding facilities)

在不影响于第 65 条下赋予部长的一般权力下, 对于那些没有寄宿便利, 便无法适当地接受必需的教育或训练的学生, 部长可以做出他认为合适的寄宿安排 (不论该项安排是免费的或是收费的)。

第五章

评估与考试 (Assessment and Examination)

67. 对学生的评估 (Assessment of pupils)

- (1) 部长可以规定小学生及中学生的评估方式，以及这些学生必须达到的水平。
- (2) 在第(1)项下规定的评估必须是在所规定的任何考试之外的。

68. 考试 (Examinations)

部长可以制定条例以规定下列事项：

- (a) 为本法令目的而举办的考试；
- (b) 考试进行的时间及地点，以及参加考试的资格及条件；
- (c) 所必须缴付的考试报名费；
- (d) 考试的媒介语及纲要；
- (e) 考试的进行，包括成立机构或委员会来主持及管制考试；以及
- (f) 考试局局长的权力、职务和责任。

69. 有关考试的禁令 (Prohibitions on the conduct of examinations)

- (1) 在第(4)项的约束下，在未得到考试总监事先的书面批准，任何人或教育机构都不可以举办、允许或导致举行或举办，或通过任何形式而涉及为任何教育机构的学生或任何私人考生举行或举办任何考试。
- (2) 当给予第(1)项所述之批准时，考试局局长可以附上他认为合适的限制、条文及条件。
- (3) 本条文所指的举办与进行考试包括以下各项：
 - (a) 招收考生；
 - (b) 替某一考试征收或接受任何缴费、款项、捐献或赠品；
 - (c) 替某一考试拟定课程大纲、课程或教学计划；
 - (d) 评阅或评分某一考试的测验或考题答案；
 - (e) 为某一考试颁给或授予文凭、专业文凭或其他证书或任何形式的承认；以及与某一考试的举办或进行有关的任何其他行动，无论该行动是发生在考试前或考试后。
- (4) 第(1)项不得施用于：
 - (a) 在第 68(e)条下成立的考试局；
 - (b) 在《1980年马来西亚考试理事会法令》下成立的马来西亚考试理事会；以及
 - (c) 一所只为了评估本身学生而举行内部考试的教育机构。
- (5) 任何人违反第(1)项或没有遵守第(2)项下实施的任何限制或条件，将被视为犯下一项罪行，若罪名成立，将被罚款不超过一万元或监禁不超过一年或两者兼施。

第六章

高等教育 (Higher Education)

70. 部长对高等教育负责 (Minister to be responsible for higher education)

部长可以依照与高等教育有关的任何成文法在高等教育机构提供高等教育，并必须负责给予一般的指导。

71. 禁止设立高等教育机构 (Establishment of higher educational institution, etc. is prohibited)

除非是有关高等教育的任何成文法所允许，没有人可以：

- (a) 设立、组织或倡办一所高等教育机构，或进行任何目的在于设立、组织或朝向设立或组织一所高等教育机构的活动；
- (b) 为了设立或组织一所高等教育机构而征收、提供或接收任何款项、捐献、赠品或捐款，或是作出任何行动或进行任何活动；
- (c) 主持、管理或维持任何教导高等教育课程的班级，除非该班级是由一所高等教育机构所主持、管理或维持的；以及
- (d) 使用“大学”的字眼来设立、主持、管理或维持一所高等教育机构。

72. 刑罚 (Penalty)

任何人若违反第 71 条的规定，将被视为犯下一项罪行，若罪名成立，将被罚款不超过五万元，或监禁不超过五年，或两者兼施。

第七章

私立教育机构 (Private Educational Institutions)

73. 对私立教育机构的保留条文 (Saving relating to private educational institutions)

- (1) 本法令内没有任何条可被视为禁止设立及维持任何私立教育机构。
- (2) 虽然有第(1)项，所有私立教育机构仍必须遵守本法令以及在本法令下制订并施用于私立教育机构的所有条例。
- (3) 本章不适用于私立高等教育机构。

74. 私立学校必须遵照国家课程的需要，并且准备学生参加规定的考试 (Private educational institutions to comply with the requirement of National Curriculum and to prepare pupils for prescribed examinations)

提供小学教育或中学教育或两者的私立教育机构必须遵照国家教育课程的规定，以及准备其学生参加在本法令下规定的考试。

75. 在提供中学后教育的私立教育机构教导的科目 (Subjects to be taught in private educational institutions providing post-secondary education)

- (1) 部长可以要求任何提供中学后教育的私立教育机构根据所规定(prescribed)的课程教导以下科目：
 - (a) 国语，如果国语不是其教学媒介；
 - (b) 马来西亚研究；
 - (c) 英语，如果其教学媒介不是英语；
 - (d) 回教课予回教学生；以及
 - (e) 道德教育予非回教学生。
- (2) 上述(1)(a)至(1)(e)项的科目必须是在该私立教育机构教导任何科目或其他研习项目以外必须教导的附加科目。

76. 制订条例以监督及管制教育水平的权力 (Power to make regulations for supervision and control of standard of education)

部长可以制定条例以监督及管制私立教育机构的教育水平。

77. 由大学等所颁发的学位或其他资格的课程和训练的限制 (Prohibition as to courses of study and training in respect of degrees, etc. conferred by universities, etc.)

- (1) 除非获得部长的书面批准，没有任何私立教育机构可与国内或国外的任何大学或高等教育学府或教育机构、或任何团体以共同、联合、附属、合作或其他方式，来开办任何课程或训练计划。
- (2) 部长不可在第(1)项下给予批准，除非关于该项所提到的课程或训练计划，他认为该私立教育机构与有关大学或高等教育学府或机构或其他教育组织或团体对于所需的设施，已做出适当的安排。
- (3) 在第(1)项下给予批准时，部长可施加他认为恰当的任何条件。
- (4) 任何人违反第(1)项或没有遵守第(3)项下由部长施加的条件，将被视为犯下一项罪行，若罪名成立，将被处罚不超过三万元，或监禁不超过两年，或两者兼施。

78. 法令其他规定对私立教育机构的施用 (Application of other provisions of the Act to private educational institutions)

为消除疑惑，兹特此声明本章内没有任何条文可以影响或减少本法令内其他条文对私立教育机构的施用效力，除非它们经明文获得豁免。

第八章

教育机构的注册 (Registration of Educational Institutions)

第一节 教育机构的注册 (Registration of Educational Institutions)

79. 所有教育机构必须注册 (All educational institutions to be registered)

- (1) 在本法令其他条文的约束下，所有学校及教育机构必须在本法令下注册。
- (2) 在本法令下的注册申请，必须依据所规定的程序向总注册官提出。
- (3) 当在第(1)项下注册一所教育机构时，总注册官可以施加任何他认为适当的限制及条件。

80. 注册名册 (Register)

总注册官必须保管或导致保管一本符合所规定格式的教育机构注册名册。

81. 临时注册证书 (Provisional certificates of registration)

- (1) 在未对一项在第 79(2)条下的申请作出调查之前，总注册官可以自行决定发给出任该教育机构董事长的人士或负责人一项临时注册证书（根据所规定的格式及条件）。
- (2) 在第(1)项下发出的临时注册证书，可以由总注册官自行决定，随时通过递交书面通知给获发注册证书的人士书而加以取消。

82. 注册 (Registration)

- (1) 在不违反第 81 条以及在第(3)项和第 83 条的约束下，在接获任何教育机构的注册申请，并经过他认为必要的调查以及收到所规定的缴费后，总注册官必须将该教育机构注册，并发给其董事长或管理负责人一份注册证书。
- (2) 该教育机构的董事长或管理负责人必须将第(1)项下发出的注册证书展示在该教育机构的显目地方。
- (3) 总注册官可以施加认为合适的注册先决条件。

83. 教育机构校址的更换 (Change in respect of education institution premises)

- (1) 未获得总注册官的事先批准，任何教育机构不可擅自更换其校址或对其建筑做出任何改变。
- (2) 任何教育机构要更换地址或改变其建筑必须依据所规定的格式及程序向总注册官提出申请。

84. 拒绝注册一所教育机构 (Refusal to register an educational institution)

总注册官可以拒绝注册一所教育机构，如果他认为：

- (1) 该教育机构没有达致所规定的安全及卫生标准；
- (2) 该教育机构被利用或可能被利用为有损国家、公众或学生利益的用途；
- (3) 该教育机构欲注册的名称是不适当的；
- (4) 在该教育机构建议开办的所在地区，已有足够的教育设施；
- (5) 在申请注册时，或与申请注册有关的一项重要事实，做出虚假或误导性的声明；
- (6) 提呈申请注册该教育机构的人士没有或拒绝遵照总注册官在第 82(3)条下所施加的任何条件；或
- (7) 被委任为董事长或校长的人士不是一位适合及恰当，或负责任的人选。

85. 拒绝注册一所教育机构的通知 (Notice of refusal to register an educational institution)

- (1) 当总注册官在第 84 条的规定下拒绝注册一所教育机育机构时，他必须以书面通知申请人，说明注册已被拒绝，并在通知书内说明注册被拒绝的理由。
- (2) 申请人如对总注册官拒绝注册该所教育机构感到不满，可以在通知书递交给他的日期起廿一天内，依据第(1)项向部长提出上诉。部长的决定将是最后的定夺。

86. 广告及其他的禁令 (Prohibition on advertisement, etc)

- (1) 一所教育机构除非已经获得注册或获得在第 81(1)条下发出的临时注册证书，没有人可以通过广告、说明书、小册子或其他方式来推介该教育机构。
- (2) 任何人违反第(1)项，将被视为犯下一项罪行，若罪名成立，将被罚款不超过三万元，或监禁不超过两年，或两者兼施。

第二节 注册的取消 (Cancellation of Registration)

87. 取消一所教育机构注册的理由 (Grounds for cancellation of registration of an educational institution)

- (1) 总注册官可以向一所教育机构的董事长或任何负责管理的人士，递交有意取消该教育机构注册的通知书，如果他认为基于下列任何理由这样做是便利的：
 - (a) 在第 84(a)条列举的理由；
 - (b) 该教育机构的纪律未被充分地维持；
 - (c) 该教育机构的注册是基于任何错误、虚假或误导性的声明而获得的；
 - (d) 如果该教育机构的董事长或任何负责管理的人士在推介该教育机构时，对有关的一项重要事实，做出虚假或误导性的声明；
 - (e) 发生违反总注册官在第 79(3)条下施加的任何条件的事件；
 - (f) 该教育机构没有董事长，或者被委任为董事长或校长的人士并非一位合适及恰当的人士，或并非一位负责任的人士。
- (2) 如果注册官有理由相信该注册教育机构已不存在，他可以在第(1)分段下采取行动。
- (3) 在第(1)分段下递交的取消教育机构注册意向通知书，必须志明主张取消注册的理由。
- (4) 当在第(1)项下的通知书已递交给该分段指明的人士后，该人士可以在递交日期起的 21 天内，向部长提出上诉。
- (5) 如果未在第(4)项下提出任何上诉，或者所提呈的上诉已遭拒绝，总注册官可以立刻将该教育机构从名册上除名；在 21 天内，该教育机构的其董事长或负责管理人士必须将该教育机构的注册证书及其管理证状交给总注册官，同时，董事长、每位董事以及每位雇员都必须将在本法令下发给他们的注册证交给总注册官。

第三节 董事与雇员的注册 (Registration of Governors and Employees)

88. 所有董事与雇员必须注册 (All governors and employees to be registered)

- (1) 每位在任何教育机构执行董事或雇员职责的人士，都必须注册为该教育机构的董事或雇员。
- (2) 要注册成为一所教育机构的董事或雇员，其申请必须使用所规定的表格。

89. 董事及雇员的注册 (Registration of governor and employee)

- (1) 在第 90 条的约束下，当总注册官接到一项根据有关程序的申请，并在进行他认为是必要的查询后，他必须将该位人士注册为有关教育机构的董事或雇员，并必须依照规定的格式发给他注册证书。

- (2) 总注册官可以自行决定是否发给
 - (a) 在本节下申请注册的一位人士(不论是在该所教育机构被注册之时或之后); 或
 - (b) 一位需要暂时出任董事或雇员的人士, 一份依照规定格式的执照以执行有关职责; 而在该执照生效期间, 该人士必须被视为已在本法令下获得注册。
- (3) 在第(2)项发出的执照, 可以随时被总注册官撤销, 而对于已申请注册的人士, 该执照必须在该位人士于本法令下注册时停止生效。

90. 拒绝注册一位董事或雇员的理由 (Grounds for refusal to register a governor a employee)

- (1) 总注册官可以拒绝注册任何人士为一所教育机构的董事或雇员, 如果:
 - (a) 该位人士曾被法庭定罪并被判坐牢不少过一年或罚款不少过两千元;
 - (b) 该位人士已经在本法令下或之前的任何相应成文法律的条文下设立的任何注册名册中除名(除非是因为有关教育机构已不复存在);
 - (c) 该位人士在其注册申请中或处理其注册申请时, 做出虚假或误导性的声明、或故意隐藏与该注册申请有关的任何重要事实; 或
 - (d) 该位人士不是马来西亚公民。
- (2) 注册官必须拒绝将年龄未足 18 岁的任何人士注册为董事。

91. 拒绝注册一位董事或雇员的通知 (Notice of refusal to register a governor or employee)

当总注册官根据第 90 条拒绝注册一位申请者为董事或雇员时, 他必须以书面通知该申请者。

92. 对一名董事或一名雇员注册被拒绝的上诉 (Appeal against refusal to register a governor or employee)

任何人士如对被注册官拒绝注册为一所教育机构的董事或雇员而感到不满, 可以在接获通知的 21 天内, 根据第 91 条向部长提出上诉。

93. 总注册官将一名董事或一名雇员从名册中除名的权力 (Power of Registrar General to strike off the register a governor or employee)

- (1) 总注册官可以将任何董事或雇员从名册中除名:
 - (a) 如果发生第 90(1)(a)条所指明的情况;
 - (b) 如果总注册官认为, 基于国家、公众或任何人士的利益, 该名人士不应当继续留任为董事或雇员; 或
 - (c) 如果该名人士的注册, 是由于他在注册申请中, 或其相关过程中, 所提呈的任何错误的、或虚假的、或具有误导性质的资料而获得批准的。

- (2) 尽管有第(1)项段，任何人不得因为在其注册日期以前所发生的任何事实或事务，但在该日期以前已经通知了注册官，从而在第(1)(a)条的规定下被取消注册。

94. 董事与雇员的引退 (Retirement of governors and employees)

- (1) 一所教育机构的任何董事或雇员一旦引退或停止出任该职，该教育机构的董事长或任何被董事长授权的人士，必须在该事件发生的 21 天内，以书面向总注册官呈报。
- (2) 一旦接获在第(1)项规定的呈报后，总注册官必须立刻将该名董事或雇员从名册中除名。

95. 通知从名册中除名的人士 (Persons struck off the register to be notified)

当任何人士已在第 93 条或第 94 条下从名册中除名，总注册官必须立刻以书面通知他已被除名及其原因。

96. 对被除名的上诉 (Appeal against striking off the register)

任何在第 93 条或第 94 条下被除名的人士，可以在接到通知书后的 21 天内根据第 95 条向部长提出上诉。

97. 移交注册证 (Surrender of certificate of registration)

- (1) 被除名后，有关人士必须在收到第 95 条所指的通知书的 21 天内，将在本法令下或在关于教育机构注册的任何先前法律下发予他的董事或雇员注册证，移交给总注册官。
- (2) 如果在第 96 条下提出上诉，则无需移交第(1)项所提的注册证，直到上诉被驳回为止。

第四节 学生的注册 (Registration of Pupils)

98. 学生的注册 (Registration of pupils)

一所教育机构的董事、校长或其他负责管理人士，必须依据所规定的方式，保存或促使保存一份名册，该名册必须记载有关该教育机构全体学生所规定的详细资料。

第五节 总注册官对教育机构的视察
(Inspection of Educational Institutions by the Registrar General)

99. 视察工作必须不时进行 (Inspection to be made from time to time)

为确保本法令以及在本法令下制定的条例已经并且正在被遵循，总注册官必须不时视察或促使受视察在本法令下注册的每一所教育机构。

100. 总注册官在视察受注册教育机构时的权力 (Powers of Registrar General on inspection of registered educational institutions)

- (1) 当依据第 99 条进行视察时，总注册官可以：
 - (a) 进入任何校舍，以及检查任何书籍、文件、电子媒体资料或任何他认为需要检查的物件；以及
 - (b) 取去及扣押任何书籍、文件、电子媒体资料或其他物件，如果他认为它们将危害公众或学生的利益、或者可以提供证据以证明触犯本法令的一项犯罪。
- (2) 任何时候，当合法地在本法令下对一所教育机构进行视察时，总注册官可以要求该教育的机构的任何人，无论是董事、雇员、教师或学生，出示任何由他所持有或在其控制下或在其权力范围内可以出示的任何有关该教育机构在管理或教学方面的任何书籍、文件、电子媒体资料或其他物件。

101. 对未经注册教育机构校舍的检查 (Inspection of premises of unregistered educational institutions)

当总注册官、或获总注册官书面授权的一位公务员、或一位不低于警长 (inspector) 等级的警官 具有合理的原因而相信任何房屋、建筑或其他地方正被用来作为一所没有在本法令下注册的教育机构，总注册官或该名公务员或该名警官在他认为需要的人士的陪同下，可以：

- (a) 进入及视察该房屋、建筑或地方；以及
- (b) 没收及扣押在那里发现的任何书本、文件、电子媒体资料或其他物件，而他认为它们可能会提供证据证明触犯本法令的一项犯罪，或看来是一所没有在本法令下注册的教育机构的财物，或是曾被作为与一所未在本法令下注册的教育机构有关的用途。

102. 关闭未注册教育机构的权力 (Power to close unregistered educational institution)

- (1) 当总注册官、或获总注册官书面授权的一位公务员，或一位不低于警长 (inspector) 等级的警官具有合理的原因而相信任何房屋、建筑或其他地方

正被利用来作为一所没有在本法令下注册的教育机构，或是其用途违反了部长在第 47(2)或 77(3)条下施加的条件，总注册官或该名公务员、或该名警官可以在他认为需要的人士的陪同下，使用第 99、100 及 101 条赋予他的权力，即刻采取他认为必要的步骤或任何方法关闭该教育机构。

- (2) 在第(1)项下对任何房屋、建筑或其他地方所采取的行动不能阻止总注册官起诉使用该房屋、建筑或地方作为没有在本法令下注册的教育机构用途的任何人士。

第九章

教师的注册 (Registration of Teachers)

第一节 教师的注册 (Registration of Teachers)

103. 教学禁令 (Prohibition to teach)

- (1) 在第(2)项的约束下，任何人不得在一所教育机构内教学，除非已在本法令下被注册为一位教师。
- (2) 第(1)项不适用于：
 - (a) 任何在政府或政府资助教育机构教学的教育服务(Education Service)成员；
 - (b) 任何已在第 114 条下授予教学执照的人士；以及
 - (c) 任何由部长设立并直接控制的师资训练教育机构内的学生。

104. 教师名册 (Register of teachers)

总注册官必须依据规定的格式保存或导致保存一份教师名册，该名册必须收录所规定的资料。

105. 一名教师注册的申请 (Application for registration as a teacher)

要注册成为一名教师，其申请必须依据规定的格式和程序向总注册官提出。

106. 总注册官拒绝一名教师注册的权力 (Power of Registrar General to refuse to register a person as a teacher)

- 总注册官可以拒绝将任何人士在本法令下注册成为教师，如果他认为该位人士：
- (a) 年龄未达十八岁；
 - (b) 未拥有做教师的资格，或总注册官认为其资格不足够；
 - (c) 在其注册申请中或处理其注册申请时，做出虚假或误导性的声明、或故意隐藏与该注册申请的有关的任何重要事实；
 - (d) 患上某种生理上或心理上的病患，致使总注册官认为他不适合出任教师；
 - (e) 曾经因犯下某项罪行而被法庭判监禁不少过一年或罚款不少过两千元；或者
 - (f) 不是一名合适及恰当被注册成为教师的人士。

107. 拒绝教师注册的通知 (Notice of refusal to register a person as a teacher)

当总注册官拒绝在第 106 条注册一位申请者时，他必须以书面通知该申请者，并说明其理由。

108. 对教师注册被拒的上诉 (Appeal against refusal to register a person as a teacher)

任何人对总注册官拒绝注册他成为教师的决定感到不满时，可以在依据第 107 条的规定情况下收到通知书的廿一天内，向部长提出上诉。

109. 教师的注册 (Registration of teachers)

- (1) 在第 106 及 108 条的约束下，当总注册官接到根据在本节下有关程序的申请，并在进行他认为是必要的调查以及所规定的缴费已交付后，他必须将该位人士注册，并必须依照规定的格式发给他注册证书。
- (2) 当在第(1)项下注册一位申请者时，总注册官可以施加他认为合适的条件，并可以随时撤消、更改或增加这些条件。

110. 在给予通知后取消注册 (Revocation of registration after notice)

- (1) 如果总注册官认为：
 - (a) 依据第 106 (c) 至(e)条所列出的原因是便利的话；
 - (b) 某位注册教师已违反或没有遵照在第 109(2)条下施加的条件；
 - (c) 该位教师的注册，是由于在注册申请中，或其相关过程中的任何错误的、或虚假的、或具有误导性质的资料而获得批准的。他可以递交一份有意取消注册的通知予该教师。
- (2) 当一位教师收到在第(1)项下的通知书，他可以在递交日期起的 21 天内，向部长提出上诉。
- (3) 如果未在第(2)项下所规定的限期内提出上诉，或者所提呈的上诉已遭拒绝，总注册官可以立刻将该注册取消，并发出通知予该教师，告知其注册已被取消。
- (4) 不得因为在该教师注册日期以前所发生的任何事实或事务，但在该日期以前已经通知了注册官，而在第(1)(a)项的规定下取消其注册。

111. 上诉 (Appeal)

- (1) 在本节下的上诉中，如部长判决必须在某些指明的条件下将某位教师注册，或延续其注册，总注册官必须施加那些条件。
- (2) 第(1)项下施加的条件必须被当为是在第 109(2)条下施加的条件。

112. 从名册中除名 (Striking off the register)

当一位教师的注册已在第 110 条下被吊销，而在第 110(3)条下的通知书也已递交，总注册官必须立刻将该教师从名册中除名，而该教师必须在接到通知书的 21 天内，将其注册证书交给总注册官。

113. 有关教师注册的过渡性规定 (Transitional provisions as to registration of teachers)

任何在指定日期以前已在《1961 年教育法令》下被注册或被视为被注册为教师的人士，必须被视为已在本法令下被注册，并且必须受到本法令的约束。

第二节 教学执照 (Permits to Teach)

114. 教学执照的发出 (Issue of permits to teach)

- (1) 总注册官可以发出教学执照给下列并非注册教师的人士：
 - (a) 根据部长批准的计划而接受师资培训的师范生，除了第 103(2)(c)条所规定者；
 - (b) 已申请注册并正等待其结果的人士；或
 - (c) 需要担任临时教师的人士。
- (2) 教学执照证必须依据所规定的格式并施加所规定的条件。
- (3) 总注册官可以在任何时候并自行决定，书面通知执照持有人以吊销其教学执照。

第三节 杂项 (Miscellaneous)

115. 移交教师注册证书 (Surrender of certificates of registration as a teacher)

在本法令下或在与教师注册有关的之前任何成文法下发出的教师注册证书，或是作为证明已经注册或豁免注册为一位教师或是被视为已在这样的法律下注册的证件，或是在第 114 条下发出的教学执照，其持有人或保管人必须在下列情况发生的 21 天内移交总注册官：

- (a) 当该证书、证件或执照被吊销；
- (b) 当该证书、证件或执照的持有人已停止在马来西亚的任何教育机构教学超过连续两年，或已经逝世；
- (c) 当总注册官为了更改、修正、核准或替代等用途而发出书面训令；或
- (d) 执照效期已届满。

116. 调任教师负责呈报 (Duty of teacher to notify change of educational institution)

每一位注册教师必须在任何教育机构开始或停止教学的 14 天内，以书面向总注册官呈报他开始或停止教学的教育机构的名称，以及他开始或停止在该教育机构教学的日期。

第十章

学校监督团 (Inspectorate of Schools)

第一节 督学团 (The Inspectorate)

117. 总督学的职责 (Duties of Chief Inspectorate)

总督学必须：

- (a) 配合部长委任的有关单位，以负责确保教育机构达致并维持一定的水准；
- (b) 在他认为适当的时段亲自视察或导致(cause)学校督学去视察教育机构；
- (c) 在受到部长的指示时，视察有关教育机构，或导致(cause)该教育机构受到视察；及
- (d) 执行部长所指示，或被规定与教育机构的视察工作有关的其他职责。

118. 学校督学的建议权力 (Advisory powers of Inspectors of Schools)

总督学或任何一位学校督学可以就教学及教学方法事宜，向一所教育机构的董事或其他负责管理的人士及教师提出建议。

119. 关于学校督学训令的限制 (Restriction on orders of Inspectors of Schools)

总督学或任何一位学校督学，除非是在本法令下制定之条例下获得授权，否则不得对任何教育机构的董事或负责其管理的人士发出训令或指示。

120. 学校督学的报告 (Reports by Inspector of Schools)

- (1) 总督学必须就他根据第 117 条的规定所视察的每一所教育机构向部长提呈报告，而当有关报告是由学校督学做出时，总督学必须在该报告中批注他认为适当的任何评论。
- (2) 在第(1)项下就任何教育机构所提呈的任何报告，为一份机密文件，但部长可以自行决定提供给有关教育机构负责行政的人员及其任何一位教师，而所提供的报告必须是完整的报告。

第二节 总则 (General)

121. 学校督学的一般权力 (General powers of Inspectors of Schools)

为在第 117 条下对任何教育机构进行视察，总督学或任何一位学校督学（本条文下统称为“督学”）可以：

- (a) 随时进入任何教育机构；以及
- (b) 要求该教育机构的董事长，或任何董事，或任何负责管理该教育机构的人士，或该教育的任何教师、雇员，或人士：
 - (i) 出示被教导科目或将被教导科目的上课时间表、课程纲要或记录、或是任何与该教育的教学或管理方面有关，或督学认为可能有关的书籍、资料、文件或物件，以供检查；以及
 - (ii) 向督学提供有关该教育机构的组织和教学的资料，而这些资料是董事长、董事、或有关负责管理的人士、教师、雇员或人士有权提供的。

122. 总督学可以授权教育官员代为行事(Chief Inspector may authorise Education Officers to act on his behalf)

总督学可以书面授权给在第 4 条下委任的任何教育官员，以便代为行使本法令下的权力或执行本法令下的任务。

第十一章

财政 (Finance)

123. 有关部长的保留条文 (Saving relating to Minister)

本法令没有任何条文可被视为在本法令下强加予部长设立或维持任何教育机构的责任，或是全部或局部维持任何教育机构的责任，除非有关款项已由国会或其他方面拨给。

124. 资助拨款与固定资本拨款必须受到规定条件等的约束 (Grant-in-aid and capital grant to be subject to conditions, etc. as may be prescribed)

任何从国会所提供的基金中拨给非政府教育机构在本法令下的资助拨款与固定资本拨款，都必须依照所规定的条件及限制来发出。

125. 部长冻结或取消任何拨款的权力 (Power of minister to suspend or cancel payment of any grant)

如果一所教育机构的董事或负责管理的人士不遵守本法令的任何规定或在法令下所制定的任何条例，部长可以中止或取消，或导致中止或取消其拨款。

第十二章

上诉 (Appeals)

126. 部长经调查后对上诉须作出决定 (Minister to decide on appeals after investigation)

- (1) 当收到一项针对总注册官的决定而向部长提出的上诉时，部长除非毫不迟疑地接受有关上诉，否则必须成立一个由他认为是合适的人士所组成的调查委员会，以便调查实情及针对有关事项向他做出报告。
- (2) 部长在对第(1)项下所提呈的报告斟酌后，必须对该上诉作出决定，并且针对有关决定发出他认为是必要和恰当的命令。
- (3) 部长对上诉所做出的决定是最后的决定。

127. 调查委员会的权力 (Powers of Committee of Enquiry)

在第 129 条款及在本法令下所制定的任何条例的约束下，调查委员会有权力：

- (a) 在该调查委员会认为是需要的时候，获取及接受任何书面或口头证据，并查询任何人士（包括上诉人）；
- (b) 规定任何证人在宣誓或不经宣誓下供证，或以法定宣誓书供证；
- (c) 传召包括上诉人的任何人士供证，尽管任何其他成文法律有如何的规定；
- (d) 接纳任何书面或口头证据，尽管有关证据在民事或刑事审讯程序中可能不被接纳；以及
- (e) 拒绝公众聆听任何调查或其任何部分，以及如果调查委员会认为这样做符合公众利益，在上诉人缺席的情况下录取供证，但在上诉人缺席的情况下录取供证时，调查委员会必须在符合公众利益的情况下，向上诉人传达该项供证的内容，并在呈给部长的报告中，说明有关供证录取的情况。

128. 律师不能出席调查委员会会议 (No appearance by advocate and solicitor before the Committee of Enquiry)

尽管是与任何成文法律有所冲突，代表律师不准出席任何调查委员会的听审。

129. 向调查委员会供证 (Evidence before the Committee of Enquiry)

- (1) 任何被要求向调查委员会供证的人士，没有义务披露曾就有关调查课题的任何事实而私下向公务员提供任何情报的人士的姓名或地址，亦且没有义务供述他认为可能导致透露该提供情报者身分的任何事务。
- (2) 任何被要求在第 127 条下供证的人士，没有义务作出可能会危害到他本身的任何供证。

第十三章

条例 (Regulations)

130. 部长制定条例的权力 (Power of Minister to make regulations)

- (1) 在不损害到他在本法令其他条文下制定条例的权力，部长可以为落实本法令的条文而制定条例。
- (2) 在不损害到第(1)项所授予的权力的普遍性下，部长可对以下全部或任何事务制定条规：
 - (a) 教育机构的收生，教育机构学生名册的保管，学生在一所教育机构或任一班级留读的年龄限制及条件；
 - (b) 教育机构的学期，学生上课的日期及时间，以及所有教育机构，或任何特定的教育机构，或任何特定种类的教育机构所必须遵守的假期；
 - (c) 教育机构的设立与管理，以及董事或负责管理该教育机构的其他人士的职责；
 - (d) 教育机构或董事或雇员注册名册的保存及管理方式，以及发出副本或摘录的程序；
 - (e) 本法令下的注册申请，或任何证书、执照或其他文件的发出所必须遵循的程序及应缴交的合理收费；
 - (f) 更改或修订在本法令下发出的注册证书或执照，以及补发遗失或损毁的证书或执照所应遵循的程序；
 - (g) 教育机构的纪律，以及无论是在教育机构之内或之外，部长认为会影响教育机构纪律的任何学生活动；
 - (h) 国家课程，包括与马来西亚宗教(the religion of Malaysia)无关，但可以或必须在教育机构教导的科目及材料，以及每一科目所占有的教学时间；
 - (i) 对不论是否在一所教育机构内的学生团体、师生团体、或家教协会的设立、组织、管理、控制及解散，而且在本分段下制定的条例可以允许家教协会包括该学校教育机构的教师或学生家长以外的任何人士；
 - (j) 教育机构使用的书籍、材料及仪器，以及该书籍、材料及仪器的购置方式；
 - (k) 禁止教育机构或任何特定种类的教育机构使用任何被认为是不恰当的书籍或材料；
 - (l) 禁止任何远程教育中心使用，或寄发给任何学生，或是提供、进口、销售供教育机构采用或寄发给学生的任何被认为不恰当的材料、书籍、教材、课业，印刷品、手写本或其他形式的资料；
 - (m) 接受政府资助的教育机构的账簿保管及审计；
 - (n) 教育机构所必须遵照的标准(包括卫生及安全标准)与校舍用途，以及为该条例中所指明的教育机构规定不同的标准及用途；

- (o) 教育机构学生的注册，学生名册的查阅，获该条例授权的人士为了本法令之目的而摘录的注册副本，以及条例指定保管名册的人士向条例指定的有关当局就该名册内容作适当的呈报；
- (p) 第 104 条规定必须保存的教师注册名册的保存或管理方式，以及发出认证副本的程序；
- (q) 签注、更改或修订在第 109 条下发出的教师注册证书，以及补发遗失或损毁的证书或执照所应遵循的程序；
- (r) 取消第 109 条下发出的教师注册证书或教学执照所应遵循的程序以及其结果；
- (s) 在第九章下申请教师注册、发出教学证书或执照，或第九章下提及的其他事务的适当收费；
- (t) 在第 126(1)条下委任的调查委员会进行调查时所必须遵循的惯例和程序；
- (u) 就总注册官的决定而向部长提出上诉的方式，以及上诉的收费；
- (v) 教育机构内的体育理事会、团体或委员会，以及县级、州级或全国性的由教育机构组成的体育理事会、团体或委员会等的设立、组织、管理、控制及解散；
- (w) 部长在本法令下设立和维持的教育机构所提供的进修教育；
- (x) 学生在教育机构之内或之外分发任何杂志、小册子或类似性质的印刷或书写物；
- (y) 付给政府资助教育机构的资助拨款款额的决定方式；
- (z) 付给政府资助教育机构资助拨款或固定资本拨款时所施加的条件及限制；
 - (aa) 一般教育机构、或任何种类的政府资助教育机构的收费以及收费的缴付方式；
 - (ab) 在本法令规定下转让或授予任何产业的方式，以及注册该产业的方式；
 - (ac) 在本法令下所提及的任何事务之适当收费；
 - (ad) 用于执行本法令的条例，以及可能应用于本法令所志明或规定的任何事务的部长所规定的表格；以及
 - (ae) 部长为了执行本法令的任何规定而认为是适当和必要的其他任何事务。

131. 对违反条例的刑罚规定 (Regulations may prescribe penalties for contravention thereof)

本法令下制定的任何条例，可以规定违反条例的任何条文将是一项罪行，可以被判罚款或监禁，或两者兼施，惟其罚款不可超过一万元与监禁不可超过六个月。

第十四章

犯罪与刑罚 (Offences and Penalties)

132. 涉及教育机构注册的犯罪与刑罚 (Offences and penalties relating to registration of educational institutions)

- (1) 教育机构的董事长或董事或负责其管理工作的人士，如在推介该教育机构时做出虚假或误导性的说明，则是犯下一项罪行，并在罪名成立时，可被判罚款不超过五万元，或监禁不超过五年，或两者兼施。
- (2) 任何人：
- (a) 在本法令下申请注册一所教育机构、或申请注册为董事或雇员，或其他事项、为诱使总注册官行使或不行使他在本法令下的权力，而做出他明知是虚假或不相信是确实的任何声明，或故意掩盖任何重要事实，或提供任何误导性的资料；
 - (b) 阻止或妨碍总注册官或任何政府官员或警官行使第 100 条、第 101 条或第 102 条下赋予该官员的权力；
 - (c) 拒绝出示任何账簿、文件或物件，或拒绝提供资料，或提供明知是虚假的或不相信是确实的任何资料，从而违反第 100(2)条的规定；
 - (d) 身为教育机构的董事长而违反第 94(1)条；
 - (e) 作为一名必须在第 88 条下注册为董事或雇员的人士而未经注册即出任董事或雇员的职位；
 - (f) 身为教育机构的董事或负责管理的人士，导致或准许未在本法令下注册的任何人士出任董事或负责管理的人士或雇员；
 - (g) 出任未在本法令下注册的教育机构的董事或雇员；或
 - (h) 身为教育机构的董事长、董事或负责管理的人士却未曾阻止该教育机构被利用来进行非法的活动或目的，或是非法的组织、团体或其他群体的活动或目的，
- 将是一项犯罪行为，而如果罪名成立，必须被判罚款不超过三万元，或监禁不超过两年，或两者兼施。
- (3) 任何人：
- (a) 身为教育机构的董事长或负责管理的人士，没有导致按第 82(2)条来展示该教育机构的注册证书；
 - (b) 不依据第 87(5)条或第 97(1)条的规定将注册证书或管理证状呈交给总注册官；
 - (c) 身为教育机构的董事长，却违反第 94(1)条；
 - (d) 作为任何建筑物的业主或据有者，有着合理的理由相信其建筑物或其部分正被用作为需要在本法令下注册而未注册的教育机构，却没有采取一切合理的步骤去防止该项用途，
- 将被视为一项犯罪行为，而如果罪名成立，必须被判罚款不超过五千元。

133. 涉及教师注册的犯罪与刑罚 (Offences and penalties relating to registration of teachers)

- (1) 在申请注册为教师或其他事项时、任何人为诱使总注册官行使或不行使他在本法令下的权力，而做出他明知虚假或不相信是确实的声明、或故意掩盖任何重要事实，或提供误导性的资料，将是一项犯罪行为，而如果罪名成立，将被判罚款不超过一万或监禁不超过一年，或两者兼施。
- (2) 任何人：
 - (a) 违反第 103(1)条的规定下出任一所教育机构的教师；
 - (b) 违反第 103(1)条地规定而导致或允许或雇佣任何人出任教师；
 - (c) 出任一所未经注册的教育机构的教师；
 - (d) 作为注册教师，而违反在第 109(2)条下施加的任一条件而于一所教育机构任教，或作为在第 114 条下发出的教学执照的持有人，在违反该执照所施加的任一条件下于一所教育机构任教；
 - (e) 导致或允许或雇佣一名注册教师在违反第 109 条下对该教师所施加的任一条件下在一所教育机构任教，或是导致或准许或雇佣一名在第 114 条下发出的教学执照的持有者在不遵循该执照所施加的条件下教学；
 - (f) 没有根据第 115 条交回证书、文件或执照；或
 - (g) 作为注册教师，没有根据第 116 条向总注册官呈报，

若在第(b)或(e)项下被定罪，将被罚款不超过一万元，而若在第(a)、(c)、(d)、(f)或(g)项下被定罪，将被罚款不超过五千元。

134. 涉及督学的犯罪与刑罚 (Offences and penalties relating to Inspectors)

任何人：

- (a) 阻止或妨碍总督学或督学行使在第 121 条下所赋予的任何权力；
- (b) 拒绝出示任何时间表、课程纲要、记录、课本、教材、文件或物件、或拒绝提供资料，从而违反第 121(b)(ii)条的规定；或
- (c) 提供在某重要细节上是虚假的资料，或明知是虚假的或不相信是确实的任何资料，将是一项犯罪行为，而当罪名成立，可以被判罚款不超过三万元或监禁不超过两年，或两者兼施。

135. 一般刑罚 (General penalty)

- (1) 任何人士在本法令下犯下一项罪行而其刑罚没有被明文规定，当罪名成立时，必须被判罚款不超过五千元或监禁不超过六个月，或两者兼施。
- (2) 任何在本法令下持续犯罪的人士，当罪名成立时，除了本法令下有关罪行的任何刑罚之外，可以再另根据犯罪天数罚款每天不超过五百元。

136. 调查权力 (Power to investigate)

- (1) 总注册官或获得总注册官书面授权的官员，或警阶不低过警长的警官，有权调查违反本法令或本法令下任何条例的罪行。
- (2) 总注册官或获得总注册官书面授权的官员，或警阶不低过警长的警官，在进行调查违反本法令或本法令下任何条例的罪行时，可行使警方在进行调查时的特别权力，惟总注册官或获得总注册官书面授权的官员不可行使刑事程序法典下可逮捕罪行的无拘捕令下进行拘捕的权力。

137. 没有搜查令而进入的权力 (Power to enter without warrant)

在不损害第 136 条的规定下，总注册官或获得总注册官书面授权的官员，或警阶不低过警长的警官，如果有合理理由相信获取刑事程序法典下的搜查令将会导致延误而达致搜查场所的目的，可以在没有搜查令下进入有关场所进行搜索，并且只使用为进入场所而必须动用的武力。

138. 提控及起诉 (Institution and conduct of prosecution)

总注册官或获得总注册官书面授权的官员，或警阶不低过警长的警官，可在总检察司的书面批准下，提控和起诉触犯本法令或本法令下制定的条例的人士。

139. 罚款私了的权力 (Power to compound offences)

- (1) 总注册官可以在他认为适当及合理的情况下，并且在获得检察司的书面批准后，向可在本法令(除了第 72 条及第 132(1)条或在本法令下制定的任何条例下被惩罚的任何人士提出书面建议，以让该人士在所规定的时间内缴付所规定的罚款数额私了；惟罚款数额不得超过该人士若被定罪时所必须缴付的最高罚款的百分之五十。
- (2) 在第(1)项下提出的建议可以在犯罪之后及提控开始之前的任何时间提出；如果所规定的数额没有在所规定的时间内，或总注册官所允许的延期内缴付，有关犯罪者可以在其后的任何时间被提控。
- (3) 如果一项罪行已经在第(1)项下罚款私了：
 - (a) 获献议私了的人士将不会在之后被提控；以及
 - (b) 任何被没收的与该罪行有关的货物、东西或其他物件将立即发还。
- (4) 任何根据第(1)项付交予总注册官的款项将存入联邦财库(Federal Consolidated Fund)。

第十五章

(Miscellaneous)

140. 官员将被视为是政府公务员 (Officers deemed to be public servants)

每一位在第二章下受委任的人士，或行使受委任者的权力的人士，必须被视为刑事法典意义下的政府公务员。

141. 场所的要求规定 (Requirements as to premises)

- (1) 负责管理教育机构的董事或人士必须确保该教育机构的场所符合可能为该教育机构所属类别所订立的标准。
- (2) 如果对于某一所教育机构，部长在考虑其场所或任何现有建筑的性质，或其他影响到该场所的特别因素后，觉得在这样的情况下，要求符合第(1)项所规定的标准的某一方面是不合理的，他可以指示说该场所已符合所规定的标准，如果该场所除了该规定标准外，已符合该指示所规定的其他标准。

142. 政府学校或政府资助学校的收生 (Enrolment of pupils in government or government -aided educational institutions)

除非得到总注册官的允准，已在一所政府学校或政府资助学校报读的学生不可同时也在另一所这类的学校报读。

143. 豁免教育机构的权力 (Power to exempt educational institutions)

如果部长认为合适以及符合教育机构或学生或公众的利益，他可以在宪报上公布指示，豁免该教育机构或任何种类的教育机构不受任何或所有条纹的约束，除了涉及注册的条文；有关豁免可以是无条件的或是附有部长认为合适的条件。部长可以随时自行决定撤消这个豁免，或是取消、更改或增添有关条件。

144. 特别委员会 (Special committee)

- 尽管本法令有其他条文规定，部长可以针对：
- (a) 某一教育机构或某一种类的教育机构；或
 - (b) 任何教育事务或计划，

成立由部长委任的人士所组成的委员会，以为他提供有关事务的咨询，而部长可以自行决定将调查委员会在第 127 条下的所有或任何权力授予该委员会。

145.通知的递交及其他 (Service of notices, etc)

- (1) 任何通知书、命令或通讯，如必须或可以通过下列方式寄交或递交
 - (a) 本法令下注册的教育机构的董事长、董事、负责管理的其他人士、或雇员，可以由总注册官自行决定何者比较适合，将致予该董事长、董事、雇员或有关人士的信件寄交到该教育机构的注册地址，或是将该项通知书、命令或通讯张贴在该教育机构的一个明显之处；
 - (b) 任何申请注册一所学校、或申请注册成为教师、董事或雇员的人士，可以寄交到该名人士在其申请表格内所填具的地址；
 - (c) 一位注册教师，可以寄交到其教育机构的地址，或他在第 116 条下呈报给总注册官的最后地址；
 - (d) 在第 114 条款下发出的教学执照的持有者，可以寄交到该教学执照持有者所服务的教育机构的地址；以及
 - (e) 任何(a)至(d)项所列举之外的人士，可以寄交到该名人士最后所知的地址。

- (2) 尽管有第(1)(a)项，如果一所教育机构的董事长尚未被委出，那么需要递交给董事长的通知书、命令或通讯，可以寄交给总注册官认为是负责该教育机构的人士。

第十六章

过渡时期与废除法令 (Transitional and Repeal)

146. 某些教育机构名称的更改 (Change of title of certain educational institutions)

在指定日期时，所有教育机构在紧接该日期之前为：

- (a) 国民小学者必须改称为国民学校；以及
- (b) 国民型小学者必须改称为国民型学校。

147. 职业中学必须成为国民中学的一份子，直至取消为止 (Secondary Vocational School to be part of national secondary schools until annulled)

在指定日期前设立的职业中学必须继续成为第 30(1)(b)条下的国民中学，直到部长在宪报上颁布命令取消这类学校为止。

148. 对现有教育机构的资助 (Assistance to existing educational institutions)

在本法令条文的约束下，部长必须继续资助所有在紧接指定日期之前接受来自政府或公共基金的资助拨款或其他类似的财政援助的教育机构。

149. 有关赞助宗教教学的保留条文 (Saving in respect of contribution towards religious teaching)

不论有任何的抵触，联合邦政府可以继续支付《1961年教育法令》第 37 条提及关于在该法令第 36 条下提供的宗教教学的开销，犹如本法令未废除该条文。

150. 有关某些豁免教育机构等的保留条 (Saving in respect of certain exempted education institutions, etc.)

直至部长在宪报上所颁布的日期：

- (a) 所有在《1961年教育法令》第 127 条下豁免受该法令约束的教育机构，将在本法令同样的条文下被豁免；以及
- (b) 任何在《1961年教育法令》第 128 条下被豁免受该法令第六章约束的教师，将被豁免受本法令第九章的约束。

151. 有关已经注册的教育机构、董事或雇员的保留条款 (Saving in respect of registered educational institution, governor, manager or employee)

任何已经在《1961年教育法令》下注册，或者被视为已经在《1961年教育法令》下注册的教育机构、董事或雇员，必须在指定日期时，被视为已经在本法令下注册，而且：

- (a) 在第(b)项的约束下，本法令的条文将施用于该教育机构、董事、管理者或雇员，犹如该教育机构、董事或雇员已经在本法令下注册；以及
- (b) 在本法令生效前施加于该教育机构、董事、管理者或雇员的条件，将继续生效，犹如有关条件是在本法令下施加的。

152. 中央局的解散 (Winding up of Central Board)

- (1) 部长可以在他自行选定的日期在宪报上颁布命令，解散在《1961年教育法令》第92条下设立的中央局。
- (2) 随着上述解散：
 - (a) 其成员，包括其主席必须停止担任职位；
 - (b) 该局不复是任何教育的任何教师的雇主；
 - (c) 在紧接解散日期之前授予该局或可能为该局所拥有的有关任何动产或不动产的任何利益，以及任何权利及承担，将转移给政府；以及
 - (d) 部长可以对任何中央局职员或雇员发出他认为合适的的训令。

153. 捐助金的管理 (Maintenance of contributory fund)

- (1) 在《1961年教育法令》下或在该法令下所制定的条例下所设立的任何捐助金（包括教师公积金），必须继续根据与该捐助金有关的任何成文法律来保管，直至最高元首命令将之解散或另外处理。
- (2) 本条文下的解散命令只能在财政部长的建议之下发出。
- (3) 部长可以通过条例来修订在指定日期之前制定的与该基金有关的任何规则和条例，以便为该基金提供更好的管理，或解除涉及该基金的任何问题。

154. 涉及董事或董事会的条文适用于个别董事及整个董事会 (References to governor or board of governors to include manager and board of managers)

本法令内所指的董事必须包括在《1961年教育法令》下所注册的小学董事(manager)，而所指的董事会必须包括该法令下的小学董事会(board of managers)。

155. 废除 (Repeal)

- (1) 《1961 年教育法令》、《1963 年教育(修正)法令》、《1975 年教育法令(扩大至砂劳越)教育命令》以及《1976 年教育法令(扩大至沙巴)教育命令》予以废除；
- (2) 所有在本条款废除的法律或命令下做出的委任、条例、规条、规则、豁免、指示与命令，所有已保存的名册，以及颁发或有效的证书，并且在本法令实施时已生效者，必须继续生效及实施(但不能影响部长通过任何条例来修改该条例、规条与规则，或是通过本法令的适当条文制定的命令或指示来修改、撤消或收回有关豁免、指示或证书等的权力，以及为使到该条例、规条、规则、豁免、指示或命令与本法令相一致而需要作出的修订)，犹如是在本法令下做出、保存或发出，直至在本法令下做出其他规定为止。

156. 财政部长的权力

在本法令内的任何条文都不得视为有影响财政部长行使由《1957 年财政程序法令》第 6 条授予他的对统一基金的管理，以及有关对马来西亚财政事务的监督、控制及训令的权力。

附则 (Schedule)

[第 18(2)条]

国家课程中的核心科目(Core Subjects in the National Curriculum)

1. 国家课程中的核心科目 (Core subjects in the National Curriculum)

国家课程中的核心科目必须成为国家教育制度下所有学校学童的教育的主要基础。

2. 小学阶段的核心科目 (Core subjects at the primary level)

小学阶段的核心科目必须是：

- (a) 国语；
- (b) 英语；
- (c) 华语，供华文国民型学校的学生；
- (d) 淡米尔语，供淡米尔文国民型学校的学生；
- (e) 数学；
- (f) 科学；
- (g) 人文研究
- (h) 伊斯兰教育，供信奉伊斯兰教的学生；以及
- (i) 道德教育，供没有信奉伊斯兰教的学生。

3. 中学阶段的核心科目 (Core subjects at the secondary level)

中学阶段的核心科目必须是：

- (a) 国语；
- (b) 英语；
- (c) 数学；
- (d) 科学；
- (e) 历史；
- (f) 伊斯兰教育，供信奉伊斯兰教的学生；以及
- (g) 道德教育，供没有信奉伊斯兰教的学生。

EDUCATION ACT 1996

(Act 550)

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EDUCATION ACT 1996

(Act 550)

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

[31st December 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

1. Short title and commencement

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.

2. Interpretation.

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 Schools 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 (1)(h) 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;

"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 of Schools and Teachers appointed under subsection 5(3) and includes the Registrar General;

"Registrar General" means the Registrar General of Schools and Teachers appointed under subsection 5(1), and includes the Deputy Registrar General of Schools 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 the special educational needs of pupils;

"special school" mean 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.

PART II ADMINISTRATION

3. Appointment and duty of Director General of Education.

- (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.

4. State Directors of Education and other Education Officers.

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.

5. Registrar General of Schools and Teachers.

- (1) There shall be a Registrar General of Schools and Teachers who shall be appointed by the Minister.
- (2) The Minister may appoint a Deputy Registrar General of Schools and Teachers.
- (3) The Minister shall appoint a Registrar of Schools and Teachers for each State and for such area within Malaysia as may be determined by the Minister. and may appoint such numbers of 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, 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 or 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.

6. Chief Inspector of Schools and Inspectors of Schools.

- (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.

7. Director of Examinations.

- (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 examination for the purposes of this Act.

8. Power of Minister to issue general directions.

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 regulation 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.

9. Power of Minister to issue special directions.

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,

directions, not inconsistent with the provisions of this Act of 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.

PART III

NATIONAL EDUCATION ADVISORY COUNCIL

10. National Education Advisory Council.

- (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*.

11. Functions of National Education Advisory Council.

- (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.

12. Right of attendance

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

13. Power to make regulations in relation to National Education Advisory Council.

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.

14. National Education Advisory Council may regulate its own procedure.

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

15. National Education System.

The National Education System shall comprise —

- (a) preschool 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.

16. Categories of educational institutions.

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.

17. National language as the main medium of instruction.

- (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.

18. National Curriculum to be used by all schools.

- (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.

19. Schools to prepare pupils for prescribed examinations.

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

20. Prohibition against the establishment, operation or management of kindergartens.

- (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.

21. Power of Minister to establish kindergartens.

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

22. National Pre-school Curriculum to be used by all kindergartens.

- (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, inform 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.

23. Language of instruction in kindergartens.

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.

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

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

25. Chapter 2 not applicable to child care centers.

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

26. Non-application of sections 18 and 19.

Sections 18 and 19 shall not apply to kindergartens.

Chapter 3 - Primary Education

27. Minister to provide primary education.

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

28. Establishment and maintenance of national and national-type schools.

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

29. Duration of primary education.

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

29A. Compulsory primary education.

- (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

30. Minister to provide secondary education.

- (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.

31. Establishment and maintenance of secondary schools.

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

32. Transition class.

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

Chapter 5 - Post-Secondary Education

33. Post-secondary education.

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 6 - Other Educational Institutions

34. Other educational institutions.

- (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;
 - (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

35. Technical education in national secondary schools and over educational institutions.

- (1) The Minister may provide technical education in —
 - (a) any national secondary school described in section 30; or
 - (b) other educational institutions described in paragraphs 34(1)(a) or (1)(c).
- (2) For the purpose of subsection (1), technical education 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.

36. Polytechnic may offer courses of study and award qualifications approved by Minister.

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.

37. Collaboration with other institutions and industrial organizations in technical and vocational education.

- (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.

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

- (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.

39. Power to make regulations in relation to polytechnics.

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 extra-curricular 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

40. Minister to provide special education.

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.

41. Power to prescribe the duration of and curriculum on special education.

- (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.

42. Restriction on establishment of teacher education colleges.

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

43. Registration of teacher education colleges.

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

44. Award of certificates or other qualifications by teacher education colleges.

A teacher education college established under this Act may award a certificate or such other qualifications as may be prescribed.

45. Minister may establish and maintain teacher education colleges.

Notwithstanding section 42, the Minister may establish and maintain teacher education colleges and provide therein teacher education.

46. Teacher education colleges to conduct courses of study approved by Minister.

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

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

- (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.

48. Instrument of government for teacher education colleges.

- (1) Except for teacher education colleges 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.

49. Power to make regulations in relation to teacher education colleges.

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 a teacher education college;
- (c) the award of certificates or diplomas;
- (d) the discipline of pupils in teacher education colleges;
- (e) the establishment, organization, management, control and dissolution of a council, body or committee for extra-curricular activities at college, district, state and national levels;
- (f) the recognition of qualifications issued by a teacher education college;
- (g) procedures for the application for registration of a teacher education college;
- (h) any other matter which the Minister deems expedient or necessary for the purposes of this Chapter.

Chapter 10-Religious teaching in Educational Institutions

50. Teaching of the Islamic religion.

- (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.

51. Teaching of religious knowledge of a religion other than Islam.

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

- (a) no such provision shall be defrayed from monies 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.

52. Financial assistance to Islamic educational institutions not established or maintained by the Minister or State Government.

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 monies 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

53. Instrument of government for educational institutions.

- (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.

54. Power to make regulations in relation to instruments of government.

- (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.

55. Educational institution to be managed by its instrument of government.

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.

56. Power of Minister to appoint additional governors.

- (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).

57. Appointment of teachers under instrument of government and Act.

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.

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

- (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.

59. Dissolution of board of governors of government or government-aided educational institution.

- (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.

60. Notice of dissolution to contain consequential directions.

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.

61. Minister shall appoint a different board upon dissolution of a board.

- (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.

62. Dissolution of board of managers or governors of government educational institution.

- (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.

63. Interpretation

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

64. Power of Minister to render assistance.

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 educational facilities available to them or for the purpose of promoting their health and well-being.

65. Medical and dental inspection of pupils.

- (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 government-aided 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.

66. Boarding facilities

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

67. Assessment of pupils.

- (1) The Minister may prescribe the manner in which pupils in primary and secondary schools shall be assessed and the standards to be achieved by the pupils.
- (2) The assessment prescribed under subsection (1) shall be in addition to any prescribed examination.

68. Examinations.

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.

69. Prohibitions on the conduct of examinations.

- (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; 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

70. Minister to be responsible for higher education.

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.

71. Establishment of higher educational Institutions, *etc.* is prohibited.

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 monies, contributions, gifts or donations, or do any act or carry on any activity for the purpose of establishing or forming a higher educational institution;
- (c) operate, manage or maintain any class for the teaching and learning of higher education unless the class is being operated, managed or maintained by a higher educational institution; and
- (d) establish, operate, manage or maintain a higher educational institution by the use of the word "university",

except in accordance with any written law on higher education.

72. Penalty.

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

73. Saving relating to private educational institutions.

- (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.

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

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.

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

- (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.

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

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

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

- (1) No private educational institution 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.

78. Application of other provisions of the Act to private educational institutions.

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 I-Registration of Educational Institutions

79. All educational institutions to be registered.

- (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).

80. Register.

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

81. Provisional certificates of registration.

- (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.

82. Registration

- (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.

83. Change in respect of educational Institution premises.

- (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.

84. Refusal to register an educational institution.

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.

85. Notice of refusal to register an educational institution.

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.

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.

86. Prohibition on advertisements, etc.

- (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.

87. Grounds for cancellation of registration of an educational institution.

- (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.

88. All governors and employees to be registered.

- (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.

89. Registration of governor and employee.

- (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

90. Grounds of refusal to register a governor or employee.

- (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.

91. Notice of refusal to register a governor or employee.

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.

92. Appeal against refusal to register a governor or employee.

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.

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

- (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.

94. Retirement of governors and employees.

- (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 authorised 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.

95. Persons struck off the register to be notified.

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.

96. Appeal against striking of the register.

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.

97. Surrender of certificate of registration.

- (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

98. Registration of pupils.

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

99. Inspections to be made from time to time.

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.

100. Powers of Registrar General on inspection of registered educational institutions.

- (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.

101. Inspection of premises of unregistered educational institutions.

Where the Registrar General or a public officer authorised 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.

102. Power to close unregistered educational institution.

- (1) Where the Registrar General or a public officer authorised 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

103. Prohibition to teach.

- (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.

104. Register of teachers.

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.

105. Application for registration as a teacher.

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

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

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.

107. Notice of refusal to register a person as a teacher.

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.

108. Appeal against refusal to register a person as a teacher.

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.

109. Registration of teachers.

- (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.

110. Revocation of registration after notice.

- (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.

111. Appeals.

- (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).

112. Striking off the register.

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.

113. Transitional provisions as to registration teachers.

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

Chapter 2 - Permits to Teach

114. Issue of permits to teach.

- (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

115. Surrender of certificates of registration as a teacher.

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;
- (c) 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.

116. Duty of teacher to notify change of educational institution.

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 I-The Inspectorate

117. Duties of Chief Inspector.

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.

118. Advisory powers of Inspectors of Schools.

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.

119. Restriction on orders of Inspectors of Schools.

The Chief Inspector or an Inspector of Schools shall not, except to such extent as he may be authorised 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.

120. Reports by Inspectors of Schools.

- (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.

121. General powers of Inspectors of Schools.

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.

122. Chief Inspector may authorise Education officer to act on his behalf.

The Chief Inspector may authorise 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

123. Saving relating to Minister.

Except in so far as monies 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.

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

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.

125. Power of Minister to suspend or cancel payment of any grant.

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

126. Minister to decide on appeals after investigation.

- (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.

127. Powers of Committee of Enquiry.

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.

128. No appearance by advocate and solicitor before the Committee of Enquiry.

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.

129. Evidence before the Committee of Enquiry.

- (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

130. Power of Minister to make regulations.

- (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 therefrom;
 - (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 authorised 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;
- (w) the provision of extension education in educational institutions established and maintained by the Minister under this Act;
- (x) the circulations 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 government-aided 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.

131. Regulations may prescribe penalties for contravention thereof.

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

132. Offences and penalties relating to registration of educational institutions.

- (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.

133. Offences and penalties relating to registration of teachers.

- (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 institutions;
 - (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.

134. Offences and penalties relating to Inspectors.

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.

135. General penalty.

- (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.

136. Power to investigate.

- (1) The Registrar General or a public officer authorised 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 authorised 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 in any seizable offence shall not be exercised by the Registrar General or the public officer authorised by the Registrar General in that behalf in writing.

137. Power to enter without warrant.

Without prejudice to section 136, if the Registrar General or a public officer authorised 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.

138. Institution and conduct of prosecution.

The Registrar General or a public officer authorised 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.

139. Power to compound offences.

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

PART XV MISCELLANEOUS

140. Officer deemed to be public servants.

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.

141. Requirements as to premises.

- (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.

142. Enrolment of pupils in government or government- aided education institutions.

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.

143. Power to exempt educational institutions.

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.

144. Special Committee.

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.

145. Service of notices, etc.

- (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

146. Change of title of certain educational institutions.

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.

147. Secondary vocational schools to be part of national secondary schools until annulled.

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*.

148. Assistance to existing educational institutions.

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.

149. Saving in respect of contribution towards religious teaching.

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.

150. Saving in respect of certain exempted educational institutions, etc.

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.

151. Saving in respect of registered educational institution , governor, manager or employee.

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.

152. Winding up of Central Board.

- (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.

153. Maintenance of contributory fund.

- (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.

154. References to governor or board of governors to include manager and board of managers.

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.

155. Repeal.

- (1) The Education Act 1961, the Education (Amendment) Act 1963, the Education Act (Extension to Sarawak) Order 1975 and the Education Act (Extension to Sabah) Order 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.

156. Power of Minister of Finance.

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 in respect of the management of the Consolidated Fund and the supervision, control and direction of matters relating to the financial affairs of Malaysia.

SCHEDULE

(Subsection 18(2))

CORE SUBJECTS IN THE NATIONAL CURRICULUM

1. Core subject in the National Curriculum.

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.

2. Core subjects at the primary level.

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.

3. Core subject at the secondary level.

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.

编委会

主编：锺伟前

编委：邝其芳、沈天奇、林玉娟

审校：邝其芳、张基兴、沈天奇

翻译：邝其芳

封面设计：林玉娟

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United Chinese School Committees' Association of Malaysia

Lot 5, Seksyen 10, Jalan Bukit,

43000 Kajang, Selangor.

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