

# 董事部及家教协会条例 1962 年教育 (拨款) 条例

L.N.299

## EDUCATION ACT, 1961 EDUCATION (GRANTS) REGULATIONS, 1962

In exercise of the powers conferred by sections **104** and **118** of the Education Act, 1961, the Yang di-Pertuan Agong hereby makes the following regulations:

### Citation and commencement.

1. These regulations may be cited as the **Education (Grants) Regulations, 1962**, and shall be deemed to have come into operation on the 1st day of January, 1962.

### No grants except upon conditions.

2. (1) No educational institution shall be eligible for grants except upon the following conditions -
  - (a) that the Board shall comply with the provisions of the Act and all rules and regulations, orders and directions made or given there under;
  - (b) that the Board shall not deny admission to any child on the ground of race or religion;
  - (c) that the Board shall if requested by the Minister provide facilities for teachers in training under any scheme approved by the Minister;
  - (d) that the Board shall employ teachers with such qualifications as the Minister may from time to time stipulate;
  - (e) that except as otherwise approved by the Minister in special circumstances not less than three managers or governors of the Board shall be nominated by the Minister;
  - (f) that the teachers and non-teaching staff appointed by the Board shall possess such minimum qualifications and be paid at such rate of salaries and allowances as may be prescribed or approved under the Act or as may be approved by the Minister; and that the establishment of the educational institution in respect of teachers and non-teaching staff shall not be altered except with the consent of the Minister.
- (2) The Minister may stop payment of grants to any educational institution if he is not satisfied that the conditions set out in paragraph (1) are being complied with.

### Eligibility for grant - in- aid

3. Subject to the provisions of Regulation 2, an educational institution shall, at the discretion of the Minister, be eligible for payment of full grant-in-aid where the Minister is satisfied -
- (a) that the standards of teaching and teaching equipment are adequate; and
  - (b) that the premises are suitable for use as an educational institution and in a reasonable state of repair;

and in any other case an educational institution shall, subject to section **136** of the Act be eligible for partial grant-in-aid only.

### Authorisation of grant - in- aid

4. Subject to the provisions of these Regulations, payment of grant-in-aid from funds made available each year by Parliament for the purpose and determined in accordance with Regulation 5 shall be authorized by the Minister and paid to the Board, or other persons responsible for the management, of an educational institution maintained by him pursuant to the Act.

### Determination of grant - in- aid

5. (1) Full grant-in-aid authorised each year by the Minister for an assisted educational institution shall consist of sums determined as follows:
- (i) a sum equal to that disbursed for salaries of the approved staff of the educational institution and less an amount equal to the total approved feed whether collected or not, of pupils enrolled in the educational institution and less any other amount not exceeding that of any other income accruing to the education institution as may be specified by the Minister, together with:
  - (ii) a sum equal to the approved fees of pupils of the educational institution in respect of whom fees are remitted by regulations made by the Yang di-Pertuan Agong; and
  - (iii) in respect of annually recurrent expenditure other than the salaries of the approved staff of the educational institution, such sum, which may vary from educational institution to educational institution and from year to year, as shall be determined by the Minister.
- (2) Partial grant-in-aid authorised each year by the Minister for an educational institution, shall consist of sums computed in such one or more of the ways following as the Minister may decided in each particular case:
- (i) a sum equal to such part of that disbursed for salaries of the approved staff of the educational institution as the Minister shall determine;
  - (ii) such sum, which may vary from educational institution to educational institution and from year to year, as shall be determined by the Minister.

### Authorisation and determination of capital grants

6. Subject to the provisions of these Regulations, the Minister may authorise payment to the Board, or other persons responsible for the management, of an educational institution, from funds made available by Parliament, of a capital grant of such amount as he may determine.

### Minister may give directions as to application of payment

7. The Minister, when authorising any payment under the provisions of Regulation 5 or 6 of these Regulations, may give directions not inconsistent with the provisions of the Act or any regulations or rules made thereunder as to the manner in which such payment shall be applied.



## Payments

8. Payments authorised under the provisions of Regulations 5 and 6 of these Regulations shall be made in such manner and at such times as the Minister shall direct.

## Estimates

9. (1) The Board, or other persons responsible for the management, of an assisted educational institution, or an educational institution claiming grant-in-aid shall, at such time and in such manner as the Minister shall require, submit to the Minister estimates of proposed income and expenditure for the year next following the year in which such estimates are submitted.
- (2) Estimates shall be submitted in respect of any proposed authorisation of a capital grant and such estimates shall, unless the Minister shall otherwise permit be in respect of proposed expenditure for the year following that in which such estimates are submitted.

## Payments to be made only to registered educational institutions and in accordance with the Act

10. (1) No grants shall be paid to the Board of an educational institution unless such educational institution is registered in accordance with the provisions of section **44** of the Act or unless a provisional certificate of registration has been issued in respect of the educational institution in accordance with the provisions of section **48** thereof and no such grants shall be paid except in respect of an educational institution to which the Minister is obliged or permitted to make grants pursuant to the provision of the Act.
- (2) Notwithstanding the provisions of paragraph (1) of this Regulation where a registered educational institution has ceased to be registered or where any obligation on the part of the Minister to maintain an educational institution has ceased, the Minister may, by the issue of a certificate under his hand, authorise a payment, in such manner as shall be specified in the certificate, in settlement of any liability incurred by such educational institution prior to the date on which it ceased to be registered or prior to the date which the obligation to maintain it ceased as the case may be and which liability would theretofore have been properly chargeable to grants.

## Cancellation of payments

11. The Minister may reduce, suspend or cancel the payment of a grant to an educational institution where the conditions upon which any grant is paid are not complied with, or the circumstances in which any grant was authorised have altered, or where the money paid is misapplied:

Provided that where such a grant has been cancelled and the Minister is satisfied that it is necessary or expedient that liabilities properly incurred by an educational institution in expectation of such a grant should be settled he may by the issue of a certificate under his hand authorise a payment or payments to be made in such manner as shall be specified in the certificate in settlement or partial settlement of the liabilities.

## Saving relating to section 127 of the Act

12. Where an educational institution is, by any order made under section **127** of the Act, exempt from any provisions of the Act, and such provision is a condition of eligibility for any grants under regulation 2 or 3, such regulation shall be construed as if such provisions thereof as are inconsistent with any such order shall not, so long as such order is in force and such conditions (if any) as are imposed thereby are complied with, apply in relation to such educational institution.



## Interpretation

13. In these regulations, unless the context otherwise requires -

"Board" means a Board of an educational institution constituted by an instrument of management of government made under section **27** of the Act;

"full grant-in-aid" means grant-in-aid determined in accordance with the provisions of paragraph (1) of regulation 5;

"Grants" means grant-in-aid or capital grants;

"partial grant-in-aid" means grant-in-aid; determined in accordance with the provisions of paragraph (2) of regulation 5;

"Salary" includes allowances and also any payment made by any employer to the Employees Provident Fund established by or to an approved fund as defined in the Employees Provident Fund Ordinance, 1951 , or to the Teachers Provident Fund (established by the Teachers Provident Fund) Rules, 1962 , except that it does not include so much of any such payment as is recoverable from the employee or would be so recoverable but for any delay in taking steps to recover it being a delay attributable to the employer's default.

## Revocation. L.N.36/58 L.N.84/61

14. The Schools (Financial Assistance) Regulations, 1958 and the Schools (Financial Assistance) (Amendment) Regulations 1961, are hereby revoked.

Made this 29th day of October, 1962  
[MEO.8B/57/(157)B:A.G. 250/54-LV/A.]

By Command,  
ABDUL HAMID KHAN  
*Minister of Education*