

No. S 84

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under Article 83(3))

KOLEJ UNIVERSITI PERGURUAN UGAMA SERI BEGAWAN ORDER, 2008

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**SCHEDULE – THE CONSTITUTION OF KOLEJ UNIVERSITI PERGURUAN UGAMA
SERI BEGAWAN**

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under Article 83(3))

KOLEJ UNIVERSITI PERGURUAN UGAMA SERI BEGAWAN ORDER, 2008

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation, commencement and long title.

1. (1) This Order may be cited as the Kolej Universiti Perguruan Ugama Seri Begawan Order, 2008 and shall commence on a date to be appointed by the Minister of Religious Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification in the *Gazette*.

(2) The long title of this Order is "An Order to establish a university college known as Kolej Universiti Perguruan Ugama Seri Begawan as a higher learning institution for religious teachers with the status of a university and for other purposes relating thereto or connected therewith".

Interpretation.

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

"Constitution" means the Constitution of the Kolej Universiti set out in the Schedule to this Order;

"Kolej Universiti" means Kolej Universiti Perguruan Ugama Seri Begawan established by section 3 of the Constitution;

"regulation" has the same meaning as in the Constitution;

"statute" has the same meaning as in the Constitution.

Kolej Universiti Constitution.

3. The provisions of the Constitution shall, on the date of commencement of this Order, take effect and have the force of law.

Office address for service.

4. (1) The Kolej Universiti shall keep and maintain an office in Brunei Darussalam which shall be its address for service for all notices and other written communications of all kinds.

(2) All notices and other written communications shall, if left at the office kept and maintained under subsection (1), be deemed as having been duly served upon or delivered to the Kolej Universiti or such officer or authority to whom they may have been addressed.

Copies of statutes etc. to be kept at Kolej Universiti Office.

5. The Kolej Universiti shall keep at the office mentioned in section 4(1) a copy of each current statute, regulation or other document required to be published under this Order or the Constitution, and shall keep the same available at all reasonable hours for inspection by the public and, where any book or copies of documents are, under this Order or the Constitution, required to be available for purchase by the public, such books or copies shall be kept available for purchase at such office or at some other place within Brunei Darussalam as the Kolej Universiti may think fit.

Grants-in-aid and accounts of Kolej Universiti.

6. (1) The Minister of Finance shall cause to be paid to the Kolej Universiti such moneys as may be approved by the Government from time to time as grants-in-aid to the Kolej Universiti.

(2) All moneys paid to the Kolej Universiti under subsection (1) shall be applied or expended by the Kolej Universiti for all or any of the purposes of the Kolej Universiti in accordance with the estimates approved under Part V of the Constitution.

(3) A copy of the accounts of the Kolej Universiti for each financial year when prepared and audited in accordance with the Constitution shall, as soon as practicable after the completion of the audit, be sent to the Minister of Finance.

Acquisition of land for purposes of Kolej Universiti.

7. (1) Where any immovable property, not being State land, is needed for the purposes of the Kolej Universiti, His Majesty the Sultan and Yang Di-Pertuan may direct the acquisition of such property, and in such a case such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such written law that such property is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Kolej Universiti, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under subsection (1) shall be paid by the Kolej Universiti or from funds to be provided by the Government to the Kolej Universiti for the said purpose.

(3) All State land granted or immovable property acquired under this section shall vest in the Kolej Universiti, and an entry to that effect in the appropriate register shall be made by the proper registering authority.

Rules.

8. His Majesty the Sultan and Yang Di-Pertuan may make rules generally for the purposes of this Order and may in such rules —

(a) provide for the administration by the Kolej Universiti of any trust;

(b) exempt from the provisions of section 3 of the Stamp Act (Chapter 34) any instrument purporting to have been executed under the provisions of section 42 of the Constitution;

(c) generally make such provisions as may be necessary by reason of the establishment of the Kolej Universiti.

Exemption from estate duty.

9. No estate duty shall be payable in respect of the amount of any bequest to the Kolej Universiti, and the value of the property passing on the death of any person shall be deemed not to include the amount of such bequest for the purpose of fixing the rate of estate duty.

Gifts to Kolej Universiti exempt from income tax.

10. The Kolej Universiti shall be deemed to be a charitable institution for the purposes of section 10(1)(f) of the Income Tax Act (Chapter 35).

Application of S 1/05 to student bodies.

11. (1) Notwithstanding anything to the contrary in the Societies Order, 2005 (S 1/05), the provisions of that Order shall have effect in relation to the Kolej Universiti Perguruan Ugama Seri Begawan Student's Association, its constituent bodies, other student bodies and the Guild of Graduates constituted in accordance with the Constitution.

(2) The appropriate Minister may, by order published in the *Gazette*, exempt the Kolej Universiti Perguruan Ugama Seri Begawan Students' Association and any of its constituent bodies or any other student body or the Guild of Graduates from all or any of the provisions of the Societies Order, 2005 (S 1/05) subject to such conditions as may be specified in the order.

Enforcement of acts etc. done prior to date of commencement.

12. Any thing done or any appointment made for, by or on behalf of the Kolej Universiti prior to the date of commencement of this Order shall, on and after that date, be deemed to have been made for, by or on behalf of the Kolej Universiti.

Amendment etc. of Constitution.

13. His Majesty the Sultan and Yang Di-Pertuan may amend, vary or add to the provisions of the Constitution or exempt any person or class of persons from any of such provisions.

Transitional provisions.

14. The transitional provisions in section 59 of the Constitution shall have effect.

SCHEDULE

THE CONSTITUTION OF KOLEJ UNIVERSITI PERGURUAN UGAMA SERI BEGAWAN

PRELIMINARY

Citation.

1. This Constitution may be cited as the Constitution of Kolej Universiti Perguruan Ugama Seri Begawan.

Interpretation.

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

"authority" means any of the Kolej Universiti authorities referred to in section 14 and includes any authority established by statute;

"Bursar" means the Bursar of the Kolej Universiti;

"chair" means the post of professor;

"Convocation" means a Convocation held in accordance with section 52(1);

"Council" means the Council of the Kolej Universiti constituted in accordance with section 15(1);

"Faculty" means a Faculty established in accordance with section 18;

"Guild of Graduates" means the Guild formed and established in accordance with section 23;

"institution" means a Faculty, Centre or School established under section 18;

"Kolej Universiti" means Kolej Universiti Perguruan Ugama Seri Begawan;

"Order" means the Kolej Universiti Perguruan Ugama Seri Begawan Order, 2008;

"Principal officer" means the Chancellor, a Pro-Chancellor, the Ra'es, a Deputy Ra'es, an Assistant Ra'es, the Dean of a Faculty, the Head of a Centre or School, the Registrar, the Chief Librarian, the Bursar, the Head of Estate or the holder of any office which is created by statute and accorded such status;

"Registrar" means the Registrar of the Kolej Universiti;

"regulation" means any regulation made in accordance with the provisions of this Constitution or any statute;

"Senate" means the Senate of the Kolej Universiti constituted in accordance with section 17;

"statute" means any statute made in accordance with this Constitution;

"teacher" means a person appointed to be a teacher by the Council in accordance with this Constitution, and includes a professor, associate professor, senior lecturer, lecturer or assistant lecturer;

(2) References in this Constitution to a section are references to a section of this Constitution.

PART I

THE KOLEJ UNIVERSITI

Establishment of Kolej Universiti as body corporate.

3. There is hereby established, in accordance with the provisions of this Constitution, a universiti college with the status of a university with the name and style of Kolej Universiti Perguruan Ugama Seri Begawan, by which name and style the Chancellor, the Pro-Chancellor, the Ra'es, and the members of the Council and the Senate are hereby constituted a body corporate with perpetual succession, and with full power and authority under such name —

(a) to hold land;

(b) to sue and be sued;

(c) to have and use a common seal and from time to time to change and make anew such seal as it shall think fit;

(d) for the purposes of this Constitution and subject to the statutes and regulations, to purchase any property and to take, accept and hold any such property which may become vested in it by virtue of any such purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise;

(e) to sell, mortgage, lease, exchange or otherwise dispose of any such property; and

(f) to exercise and perform, in accordance with the provisions of this Constitution and of the statutes and regulations, all powers and duties conferred or imposed upon the Kolej Universiti by such provisions.

Powers of Kolej Universiti.

4. (1) The Kolej Universiti shall, subject to the provisions of this Constitution, have the following powers –

(a) to provide courses of instruction, to hold examinations, to make provisions for research, and to take such other steps as may appear necessary or desirable for the advancement and dissemination of knowledge;

(b) to confer degrees and diplomas including external degrees and diplomas upon persons who have followed courses of study approved by the Kolej Universiti and have satisfied such other requirements as may be prescribed by statute or regulation;

(c) to recognise the degrees and diplomas of other institutions of higher learning for the purpose of admission to the courses and examinations of the Kolej Universiti and of the award of higher degrees on holders of such degrees or diplomas or on graduates of the Kolej Universiti on such conditions as may be prescribed by statute or regulation;

(d) to confer degrees upon teachers of the Kolej Universiti who have satisfied such requirements as may be prescribed by statute or regulation;

(e) to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service;

(f) to grant certificates to persons who have attained proficiency in any branch or branches of knowledge;

(g) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto;

(h) to establish a Kolej Universiti printing press and to publish books and other matters;

(i) to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence and all other buildings required for the purposes of the Kolej Universiti;

(j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;

(k) to invest in land or securities (whether authorised as trustee investments or not) such funds as may be vested in it for the purpose of endowment, whether for general or special purposes, or such other funds as may not be immediately required for current expenditure, with power from time to time to vary any such investment and to deposit any money for the time being uninvested with any bank either upon fixed deposit or upon current account;

(l) to enter into contracts, to appoint such staff and to establish such trusts, as may be required for the purposes of the Kolej Universiti;

(m) to appoint, promote and discipline officers, teachers and staff of the Kolej Universiti;

(n) to regulate the conditions of service of the staff of the Kolej Universiti, including schemes of service, salary scales, leave and discipline;

(o) to regulate and provide for the residence of officers, teachers, staff and students of the Kolej Universiti and the welfare and discipline of teachers, staff and students;

(p) to demand and receive such fees as may from time to time be prescribed by the Council; and

(q) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further instruction, research, finance, administration, welfare and discipline in the Kolej Universiti.

(2) If His Majesty the Sultan and Yang Di-Pertuan is satisfied that it is necessary to confer an honorary degree upon a foreign dignitary, the Kolej Universiti, on the direction of His Majesty, shall confer such degree as stated in the direction.

Admission of students or appointment of staff.

5. The Kolej Universiti shall observe such instructions as His Majesty the Sultan and Yang Di-Pertuan may give with regard to the admission of students or appointment of staff of the Kolej Universiti and such instructions may include the reservation of such number of Kolej Universiti places or appointments as His Majesty may think fit for persons who are subjects of His Majesty under section 4 of the Brunei Nationality Act (Chapter 15).

The Seal of Kolej Universiti.

6. (1) The common seal of the Kolej Universiti shall be such seal as may be approved by the Council.

(2) The common seal of the Kolej Universiti shall be kept in the custody of the Bursar.

(3) The common seal of the Kolej Universiti shall not be affixed to any instrument other than a degree diploma or certificate of the Kolej Universiti except in the presence of the Ra'ees and one other member of the Council who shall sign their names in the instrument in token of such presence; and such signature shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Kolej Universiti.

(4) The seal of the Kolej Universiti shall be officially and judicially noticed.

(5) Any document or instrument which (if executed by a person not being a body corporate) will not require to be under seal may in like manner be executed on behalf of the Kolej Universiti by an officer or any person generally or specifically authorised for the purpose by the Council.

PART II

THE PRINCIPAL OFFICERS OF THE KOLEJ UNIVERSITI

Chancellor.

7. (1) There shall be a Chancellor who shall be His Majesty the Sultan and Yang Di-Pertuan.

(2) The Chancellor shall be the Head of the Kolej Universiti and shall have the following functions —

- (a) to preside when present at meetings of the Council and any Convocation of the Kolej Universiti;
- (b) to receive an annual report on the Kolej Universiti from the Ra'es;
- (c) to receive such special reports as the Council may submit; and
- (d) to exercise such powers and duties as may be conferred upon him by this Constitution or any statute or regulation.

Pro-Chancellor.

8. (1) The Chancellor may appoint such persons to be Pro-Chancellors as he may consider proper.

(2) If for any reason the Chancellor is unable to exercise any of his functions under this Constitution or any statute or regulation, he may authorise Pro-Chancellor to exercise such functions on his behalf.

(3) Every Pro-Chancellor shall hold office during the pleasure of the Chancellor.

Ra'es.

9. (1) There shall be a Ra'es who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan, after consultation with the Minister of Religious Affairs.

(2) The Ra'es shall be the principal executive and academic officer of the Kolej Universiti.

(3) It shall be the duty of the Ra'es —

- (a) to see that the provisions of this Constitution and the statutes and regulations are observed, and he shall have all such powers as may be necessary for this purpose and, in particular, to ensure that every authority or committee keeps within its powers or terms of reference; and
- (b) to exercise, subject to the provisions of this Constitution, general supervision over the arrangements for instruction, research, finance, administration, welfare and discipline in the Kolej Universiti, and to exercise such other powers as may be conferred upon him by this Constitution and any statute or regulation.

(4) The term of office and other conditions of service of the Ra'es shall be determined by His Majesty the Sultan and Yang Di-Pertuan, after consultation with the Council, and shall be binding on the Kolej Universiti.

(5) Subject to the provision of this Constitution or any statute or regulation, the Ra'es shall be *ex-officio* chairman of every authority of the Kolej Universiti.

Deputy Ra'es.

10. (1) His Majesty the Sultan and Yang Di-Pertuan may, after consultation with the Ra'es, appoint one or more Deputy Ra'es.

(2) Any fit and proper person from within or without the Kolej Universiti may be appointed as a Deputy Ra'es, and the term of office and other conditions of service of a Deputy Ra'es shall be determined by His Majesty the Sultan and Yang Di-Pertuan, after consultation with the Council and shall be binding on the Kolej Universiti.

(3) The duties of a Deputy Ra'es shall be prescribed by the Ra'es or by this Constitution or any statute or regulation:

Provided that if any duty is prescribed by this Constitution or any statute or regulation to be performed by a Deputy Ra'es, such duty shall, unless prescribed otherwise in this Constitution, be performed by the Ra'es.

(4) If the Ra'es is unable to exercise any of the functions of his office by reason of illness, leave of absence or any other cause, the following arrangements shall apply —

(a) where the Ra'es has been appointed in an *ex-officio* capacity, the person acting or discharging the functions of that *ex-officio* capacity shall be deemed to be acting as Ra'es;

(b) where the Ra'es has been appointed by name, the Deputy Ra'es, if appointed, or, if there is more than one Deputy Ra'es, such one of them as may be named by the Ra'es shall exercise such functions; and in the event of the absence or disability of the Deputy Ra'es or all the Deputy Ra'es (if there be more than one) or if no Deputy Ra'es has been appointed, His Majesty the Sultan and Yang Di-Pertuan shall, after consultation with the Minister of Religious Affairs, make such temporary arrangements as His Majesty may think fit for the exercise of the functions of the Ra'es.

Assistant Ra'es.

11. The Council may appoint one or more Assistant Ra'es on such terms and conditions of service as the Council may determine.

Registrar, Chief Librarian, Bursar and Head of Estate.

12. There shall be a Registrar, a Chief Librarian, a Bursar and a Head of Estate, who shall be whole-time principal officers of the Kolej Universiti appointed by the Council and who shall have such powers and duties as may be prescribed by statute.

Other principal officers.

13. The Kolej Universiti may appoint such other principal officers as may be prescribed by statute.

PART III

THE KOLEJ UNIVERSITI AUTHORITIES

The authorities.

14. (1) The authorities of the Kolej Universiti shall be the Council, the Senate, the Board of an Institution, the Boards of Selection, the Board of Student Welfare and such other bodies as may be prescribed by statute as authorities of the Kolej Universiti.

(2) Subject to the provisions of this Constitution, the composition, powers and procedure of the authorities shall be prescribed by statute.

The Council.

15. (1) The Council shall consist of —

(a) the Minister of Religious Affairs, who shall be Chairman;

(b) the Deputy Minister of Religious Affairs, who shall be Deputy Chairman;

(c) not less than 6 persons to be appointed by His Majesty the Sultan and Yang Di-Pertuan, 3 of whom shall be members of the Majlis Ugama Islam;

(d) the Mufti of Brunei Darussalam;

(e) the Attorney General or his representative;

(f) Chief Syar'ie Judge;

(g) the Permanent Secretary of the Ministry of Religious Affairs or his representative;

(h) the Permanent Secretary of the Ministry of Education or his representative;

(i) the Permanent Secretary of the Ministry of Finance or his representative;

(j) the Vice-Chancellor of Universiti Brunei Darussalam or his representative;

(k) the Rector of Universiti Islam Sultan Sharif Ali or his representative;

(l) the Director General of the Public Service or his representative;
and

(m) the Ra'es.

(2) The Registrar shall be secretary to the Council.

(3) The Deputy Chairman shall act as Chairman of the Council in the absence of the Chairman.

(4) In the absence of both the Chairman and the Deputy Chairman at any meeting of the Council, a member of the Council elected by the members present at the meeting shall preside at the meeting.

(5) Except as may be otherwise prescribed by His Majesty the Sultan and Yang Di-Pertuan, the term of office of the members of the Council appointed under subsection (1)/c/ shall be 3 years, calculated from the date of their appointment and they shall be eligible for re-appointment.

(6) Any member of the Council appointed under subsection 1/c/, may at any time resign as a member by sending to the secretary to the Council a letter of resignation.

(7) A Deputy Ra'es may attend meetings of the Council but shall have no vote.

(8) All members of the Council shall profess the Islamic religion according to the Ahlis Sunnah Waljamaah.

Powers of Council.

16. The Council shall be the executive body of the Kolej Universiti and may exercise all the powers conferred on the Kolej Universiti, save in so far as they are by this Constitution or the statutes and regulations conferred on some other authority or body or on some other officer of the Kolej Universiti:

Provided that —

(a) no resolution shall be passed by the Council relating to any matter within the powers of the Senate unless the Senate has first been given the opportunity of recording and transmitting to the Council its opinion thereon; and

(b) no member of the Council who is a member of the teaching staff (other than a principal officer) shall take part in the proceedings of the Council when it is holding discussions or making decisions on the appointment, promotion and other matters relating to the service of any member of the teaching staff.

The Senate.

17. (1) The Senate shall consist of —

(a) the Ra'es, who shall be Chairman;

(b) the Deputy Ra'es, if appointed;

(c) the Assistant Ra'es;

(d) the Deans of Faculties;

(e) the Dean of Students;

(f) the Chief Librarian;

(g) one representative of the full-time professors of each institution, not including visiting professors, elected by the professors of the institution concerned, who shall hold office for 2 years if qualified but who shall be eligible for re-appointment:

Provided that if a professor is already a member of the senate *ex-officio*, that professor shall not be eligible to take part in the election of such representative; and

(h) such other persons by name or by office as may be prescribed by statute or appointed by the Senate, after consultation with the Ra'es, to hold office for such period as the Senate may determine.

(2) The Ra'es may appoint a Deputy Ra'es or an Assistant Ra'es to deputise for him as Chairman at any meeting of the Senate if the Ra'es is unable to attend the meeting:

Provided that if no Deputy Ra'es or Assistant Ra'es is able to attend the meeting, then the Ra'es may appoint any member of the Senate to deputise for him as Chairman.

(3) The Registrar shall be secretary to the Senate.

(4) The Senate shall be the academic body of the Kolej Universiti and, subject to the provisions of this Constitution, the statutes and regulations, shall have the control and general direction of instruction, research and examination, and the award of degrees, diplomas and certificates.

(5) In the performance of its duties, functions and responsibilities, the Senate may delegate any of its duties, functions and responsibilities to its members or a committee consisting of its members.

Faculties, Centres and Schools.

18. (1) The Kolej Universiti shall be divided into such number and names of Faculties, Centres and School as may be prescribed by statute.

(2) The Board of a Faculty, Centre or School shall be responsible to the Senate for the organisation of instruction in the subject of study within the purview of the Faculty, Centre or School, as the case may be, and may exercise such other functions as may be conferred on it by statute or regulation.

(3) The composition of the Board of a Faculty, Centre or School shall be as prescribed by statute.

Appointment of heads and deputy heads of institutions and heads of teaching departments or programmes.

19. (1) Subject to any statute, the Ra'es shall, after consultation with the Council, appoint —

(a) a Dean in respect of each Faculty and, where necessary, at least one Deputy Dean;

(b) a head in respect of a Centre or School and, where necessary, at least one deputy head, who shall be styled by such title as may be prescribed by statute or regulation; and

(c) a head in respect of each teaching department or programme where such teaching departments or programmes are established in a Faculty, Centre or School.

(2) The Dean of a Faculty or head of a Centre or School shall be chairman of the Board of the Faculty, Centre or School, as the case may be.

(3) The Dean of a Faculty or head of a Centre or School or head of teaching department or programme shall be responsible for the organisation of instruction of courses or subjects falling under the purview of the Faculty, Centre, School or teaching department or programme, as the case may be, and shall exercise such other functions as may be vested upon him by statute or regulation or as may be directed by the Ra'es.

(4) In the absence of the Dean of a Faculty or head of a Centre or School, on leave or for any other reason, it shall be lawful for the Deputy Dean or deputy head or, if there is more than one Deputy Dean or deputy head, such one of them as may be named by the Ra'es, to exercise any of the functions of the Dean of the Faculty or head of the Centre or School, as the case may be.

(5) The Dean or Deputy Dean of a Faculty or head or deputy head of a Centre or School or the head of a teaching department or programme appointed under subsection (1), as the case may be, shall be appointed for a period not exceeding 2 years but shall be eligible for re-appointment.

(6) Notwithstanding subsection (5), the Ra'es may, after consultation with the Council, revoke any appointment made under this section without assigning any reason.

(7) Notwithstanding the other provisions of this section, the Ra'es may, pending any appointment to be made by the Council under subsection (1), appoint any person to exercise the functions of the Dean or Deputy Dean of a Faculty or head or deputy head of a Centre or School or head of a teaching department or programme, as the case may be.

Boards of Selection for teachers.

20. (1) A Board of Selection for teachers shall, subject to any statute, consist of —

(a) the Ra'es, who shall be Chairman;

(b) the Chairman of the Public Service Commission or his representative;

(c) the Dean of the Faculty or head of the Centre or School concerned;

(d) one member of the Senate appointed by the Senate; and

(e) the Director General of the Public Service or his representative.

(2) Notwithstanding subsection (1), the Ra'es may appoint the Deputy Ra'es to deputise for him as Chairman at any meeting of a Board of Selection which has been convened to fill an appointment other than that to a chair.

(3) The association of external experts with the making of appointment may be prescribed by statute.

Boards of Selection for other appointments.

21. The composition of Boards of Selection for appointments other than teachers shall be as prescribed by statute.

Board of Student Welfare.

22. (1) There shall be established a Board of Student Welfare consisting of a chairman and such other persons as may be appointed by the Ra'es.

(2) The Board of Student Welfare shall have such powers as may be prescribed by statute.

Guild of Graduates.

23. (1) Subject to the approval of the Council, it shall be lawful for not less than 30 graduates of the Kolej Universiti to form and establish an association to be known as the Guild of Graduates.

(2) The Guild of Graduates shall be governed and administered in accordance with its constitution and rules made by it and no such constitution and rules so made or any amendment thereto shall come into force until approval thereof shall have first been obtained from the Council.

Term of office of members of authorities.

24. (1) Subject to sections 15(5), 17(1)(g) and 19(5) or to any statute, the term of office of a person elected or appointed to be a member of an authority, otherwise than *ex-officio*, shall be 3 years:

Provided that —

(a) where the person is elected or appointed because he holds an office or is a member of some other authority or body, he shall cease to be a member of the authority if before the expiry of his term of office he ceases to hold such office or to be a member of such authority or body;

(b) where the person is appointed by His Majesty the Sultan and Yang Di-Pertuan to be a member of any authority, His Majesty may revoke the appointment at any time during the term of such appointment; and

(c) a person who retires at the end of his term of office shall be eligible for re-election or re-appointment if he is otherwise qualified.

(2) When a person is a member of an authority *ex-officio*, a person appointed to act for him shall be a member of the authority *ex-officio* so long as he is so acting and is otherwise qualified.

(3) The decision of an authority shall be valid notwithstanding any vacancy among its members.

Majority decision and quorum of meetings.

25. (1) Subject to the provisions of this Constitution and to any statute or regulation, a question at any meeting of any authority shall be decided by a majority of the votes of the members present.

(2) The Chairman and every member shall have and may exercise one vote each, but in the event of an equality of votes, the chairman shall have and may exercise a second or casting vote.

(3) The quorum for meetings of any authority shall be as prescribed by statute or regulations or in the Standing Orders of the authority.

PART IV

STATUTES AND REGULATIONS

Statutes.

26. (1) Subject to the provisions of this Constitution, the Chancellor may make such statute of the Kolej Universiti as may be necessary or expedient for the administration of the affairs or for carrying out the functions of the Kolej Universiti.

(2) Without prejudice to the generality of subsection (1), statutes may be made to prescribe or provide for all or any of the following matters —

(a) the powers and duties of the officers of the Kolej Universiti;

(b) the methods of appointment and the conditions of service of the officers and teachers of the Kolej Universiti;

(c) the determination of degrees, diplomas and other academic distinctions to be conferred by the Kolej Universiti;

(d) the management of the library and research institutes;

(e) all other matters which under this Constitution may be regulated by statute;

(f) the composition, powers, duties and procedure of the authorities of the Kolej Universiti;

(g) matters incidental to or consequential upon any of the matters aforesaid; and

(h) all the matters within the powers of the Kolej Universiti and not otherwise provided for by this part of this Constitution.

Procedure on making, amending or revoking statutes.

27. (1) The proposal for the making of any statute or the amendment or revocation of any statute shall be prepared by the Council.

(2) A proposal for a new statute, or of any amendment to a statute, dealing with any of the following matters —

(a) the composition, powers, duties and procedures of the Senate, the Board of a Faculty, the Board of a Centre or School, or the Board of Student Welfare;

(b) the determination of degrees, diplomas and other academic distinctions to be conferred by the Kolej Universiti;

(c) the conditions of residence and the welfare of students;

(d) the management of the library;

(e) all other matters within the jurisdiction of the Senate under this Constitution or any statute,

shall not be submitted to the Chancellor until it has been referred to the Senate and the Senate has reported to the Council its observations thereon.

Regulations.

28. Subject to the provisions of this Constitution and the statutes, regulations may be made for all —

(a) the principles governing the award of degrees, diplomas and other academic distinctions;

(b) the number and scope of examinations;

(c) the appointment, powers and duties of examiners and the conduct of examinations;

(d) the admission of students to the examinations and the degree and diploma courses of the Kolej Universiti;

(e) the conditions of residence and the welfare of students;

(f) the fees to be charged for courses of study, residence, admission to examination, degrees and diplomas and any other fees that may be levied by the Kolej Universiti;

(g) the management of lecture halls and laboratories;

(h) the composition, powers and duties of any Board, committee or other body not specifically provided for in this Constitution or by statute;

(i) all matters which by this Constitution or any statute may be prescribed by regulations; and

(j) all matters within the powers of the Kolej Universiti and not otherwise provided for by this Part of this Constitution.

Procedure on making, amending or revoking regulations.

29. (1) The Council may, subject to the provisions of this section, make, amend or revoke any regulation.

(2) The draft of any regulation dealing with any matter within the jurisdiction of the Senate shall be proposed by the Senate; and the Council may approve the draft or refer it back to the Senate with observations or proposals for amendment.

Regulation for procedure of Council and Senate.

30. (1) The Council and the Senate may each regulate its own procedure.

(2) The Council may regulate the procedure of Boards of Selection.

(3) The Senate may regulate the procedure of the Board of a Faculty, Centre or School or of any other board or committee subject to the jurisdiction of the Senate.

(4) The Senate may make regulations prescribing courses of study or syllabi or examinations.

(5) Regulations may be made by an authority if it is so empowered by this Constitution or any statute.

Disciplinary provisions.

31. Notwithstanding the provisions of sections 26, 28 and 30, statutes or regulations may be made to provide for the discipline of staff and students of the Kolej Universiti.

Publication of statutes and regulation.

32. (1) When any new statute or regulation is made, amended or revoked every such statute or regulation, amendment or revocation shall be published in the Kolej Universiti Bulletin and in such form or in any publication of the Kolej Universiti as may be determined by the Ra'es.

(2) Nothing in this section shall apply to —

(a) any regulation containing only instructions to examiners or invigilators or details concerning courses of study or syllabi or examinations;

(b) any statute or regulation which the Council resolves not to publish.

Constitution, inconsistencies between statutes etc.

33. In the event of —

(a) any statute being inconsistent with the provisions of this Constitution; or

(b) any regulation being inconsistent with the provisions of this Constitution or any statute,

then the provisions of the Constitution or statute, as the case may be, shall prevail, and such statute or regulation, as the case may be, shall be void to the extent of the inconsistency.

PART V

FINANCIAL PROVISIONS

Standing Finance Committee.

34. The Council shall appoint a Standing Finance Committee for regulating and controlling the finances of the Kolej Universiti.

Preparation of estimates and financial year.

35. (1) It shall be the duty of the Bursar to prepare, in consultation with the Registrar, the estimates of income and expenditure of the Kolej Universiti for each financial year for the consideration of the Ra'és and submission to the Standing Finance Committee.

(2) For the purposes of this Part of this Constitution, the financial year shall be the calendar year or such other period as the Council may determine.

(3) The accounts of the Kolej Universiti shall, as soon as may be, be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared in such form and with such information as the Council may direct from time to time.

Annual estimates.

36. (1) The detailed estimates of income and expenditure of the Kolej Universiti for any financial year approved by the Council shall be submitted prior to the beginning of the financial year to the Minister of Finance for presentation to His Majesty the Sultan and Yang Di-Pertuan for the approval of His Majesty.

(2) A copy of the draft estimates prepared by the Standing Finance Committee for submission to the Council shall be delivered to each member of the Council not less than 7 days before the date fixed for the meeting of the Council convened for the purpose of approving such estimates.

(3) The Council may in its discretion approve, modify or reject all or any of the items appearing in such draft estimates or refer any item back to the Standing Finance Committee for its consideration or add any item thereto.

Supplementary estimates.

37. The Council may approve supplementary estimates as may be required for any financial year for presentation to His Majesty the Sultan and Yang Di-Pertuan, through the Minister of Finance, for the approval of His Majesty, showing the sources, if any, from which any part of the supplementary estimates may be met.

No expenditure to be incurred unless included in estimates.

38. (1) The Council shall not incur any expenditure which has not been included in any approved estimate provided that, subject to the provisions of this Constitution, the Council may transfer all or any part of the moneys assigned —

(a) to one item of annually recurrent expenditure to another item of annually recurrent expenditure;

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

(2) Subsection (1) shall not apply to —

(a) moneys deposited with the Kolej Universiti by any person, wherever by the conditions of such deposit any such sum has become repayable;

(b) moneys collected and credited to the Funds of the Kolej Universiti in error;

(c) moneys payable by the Kolej Universiti under any judgment or order of court;

(d) moneys expended by the Kolej Universiti in instituting or defending legal proceedings; and

(e) expenditure arising out of any property or money referred to in section 40.

Form of estimates.

39. The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Power of Council to accept gifts etc.

40. (1) The Council may on behalf of the Kolej Universiti accept by way of gift, grant, *waqf*, testamentary disposition or otherwise, property and moneys in aid of the finances of the Kolej Universiti on such conditions as it may determine.

(2) The Bursar shall keep and maintain registers of all donations to the Kolej Universiti including the names of the donors and any special condition on which any donation may have been given.

Property given for specific purposes to be separately accounted for.

41. All property, moneys or funds given for any specific purpose shall be applied and administered in accordance with the purposes for which they may have been given and shall be separately accounted for.

Form of contracts.

42. Any contract involving the expenditure by the Kolej Universiti of more than \$500 shall be in writing and signed on behalf of the Kolej Universiti by a person acting under the expressed or implied authority of the Kolej Universiti:

Provided that any contract (other than a contract referred to in section 54(2)) involving expenditure by the Kolej Universiti of more than \$10,000, and any contract which if made between private persons would be required by law to be under seal shall be executed by affixing thereto the common seal of the Kolej Universiti.

Dividends prohibited.

43. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the Kolej Universiti to or among any of its members except by way of prize, reward or special grant or as part of the terms and conditions of service of staff of the Kolej Universiti.

Audit.

44. (1) The accounts of the Kolej Universiti shall be audited annually by —

(a) the Auditor General; or

(b) any person who has been authorised to perform the duties required by the Companies Act (Chapter 39) to be performed by an auditor, who shall be appointed annually by the Council:

Provided that where the accounts of the Kolej Universiti have been audited by a person appointed under paragraph (b), they may be verified by the Auditor General before they are presented to the Minister of Finance pursuant to subsection (2).

(2) The audited accounts, with any observation made thereon by the auditors, shall be presented to the Minister of Finance.

PART VI

STUDENTS OF THE KOLEJ UNIVERSITI

Admission of students.

45. A student shall not be admitted to any course of study in the Kolej Universiti unless he has satisfied the entry requirements for the course of study.

Students' Association and Students' Representative Council.

46. (1) The registered students of the Kolej Universiti, other than external students or non-graduating students or postgraduate diploma students or higher degree students, shall constitute a body to be known as Kolej Universiti Perguruan Ugama Seri Begawan Students' Association (hereinafter in this Constitution referred to as "the Students' Association").

(2) The Students' Association, its constituent bodies and student bodies shall be governed and administered in accordance with the provisions prescribed by statute or regulations or their respective constitution provided that no such constitution or amendment thereof shall come into force unless and until approved by the Council.

(3) The Council may impose and collect from the registered students and any other class of students such fees as the Ra'es may determine for the benefit of the Students' Association and its constituent bodies, and the fees may be applied in such manner as the Council thinks fit for the purpose of the Students' Association and its constituent bodies.

(4) For the purpose of this section "registered student" means a student who is following a full-time course leading to a first degree or a diploma, not being a postgraduate diploma, or a certificate of the Kolej Universiti provided that a student shall cease to be a registered student for the purpose of this section if he has passed the final examination of his course for graduation unless the Ra'es authorises in writing that such student, if he is a member of the Students' Representative Council, may continue to be a registered student within the meaning of this section until the election of a new Students' Representative Council in the following academic year or for such lesser period as the Ra'es may determine.

Establishment of other student bodies.

47. (1) Notwithstanding section 46, it shall be lawful for not less than 10 registered students of the Kolej Universiti, with the prior approval of the Council and subject to such terms and conditions as the Council may specify, to establish a student body consisting of students of the Kolej Universiti for the promotion of a specific object or interest within the Kolej Universiti.

(2) The Council may, on the advice of the Ra'es, require any such student body established under this section to be affiliated to the Students' Association subject to such terms and conditions as the Council may specify.

Acts by students against the constitution, statute or regulation of Kolej Universiti.

48. If a student of the Kolej Universiti conducts himself in a manner which, in the opinion of the Ra'es, is detrimental or prejudicial to the well-being or reputation of the Kolej Universiti or acts in contravention of the constitution or any statute or regulation of the Kolej Universiti, the student shall be liable to such disciplinary punishment as may be determined by the Ra'es or under the disciplinary regulations of the Kolej Universiti.

Acts by student bodies *ultra vires* their own constitution, the Constitution, statute, or regulation of Kolej Universiti.

49. If the Students' Association or the Students' Representative Council or a student body established under section 47 conducts itself in a manner which, in the opinion of the Ra'es, is detrimental or prejudicial to the well-being or reputation of the Kolej Universiti or acts in contravention of the constitution of the Kolej Universiti or its own constitution or any statute or regulation of the Kolej Universiti, the Ra'es may suspend and the Council may, on the advice of the Ra'es, dissolve the Students' Association or the Students' Representative Council or the student body, as the case may be; and every office-bearer of the Students' Association or the Students' Representative Council or the said student body, as the case may be, shall be liable to such disciplinary punishment as the Council may determine or under the disciplinary regulations of the Kolej Universiti.

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

50. (1) Where a student of the Kolej Universiti is charged with a criminal offence, he shall immediately thereupon be suspended from being a student of the Kolej Universiti.

(2) Where a court finds that a charge for a criminal offence is proved against a student of the Kolej Universiti, the student shall immediately thereupon cease to be a student of the Kolej Universiti.

(3) The Ra'es may in his absolute discretion, at any time and in any particular case, exempt a student from the application of the provisions of subsection (1) or (2), as the case may be, either unconditionally or upon such terms and conditions or for such period as the Ra'es deems fit.

Disciplinary authority in respect of students.

51. (1) The disciplinary authority of the Kolej Universiti in respect of every student of the Kolej Universiti shall be the Deputy Ra'es or, if there are more than one Deputy Ra'es, such one of them as may be named by the Ra'es or, if there is no Deputy Ra'es, such staff member or officer of the Kolej Universiti as may be named by the Ra'es to be the disciplinary authority.

(2) The Deputy Ra'es, who is the disciplinary authority under subsection (1), may delegate any of his disciplinary functions, powers or duties to a board of members of the staff or officers of the Kolej Universiti or to any member of the staff or officer of the Kolej Universiti provided that the Deputy Ra'es shall have the power to review, rescind or vary any decision or finding of such board or staff member or officer of the Kolej Universiti delegated with such disciplinary functions, powers or duties.

PART VII

GENERAL PROVISIONS

Convocation.

52. (1) A Convocation for the conferment of degrees shall be held annually, or as often as the Chancellor may direct, on such date as may be approved by the Chancellor.

(2) In the absence of the Chancellor or of a Pro-Chancellor who is authorised for this purpose by the Chancellor, the Ra'es shall preside over a Convocation.

(3) The Procedure of Convocation shall be prescribed by statute.

Disciplinary provisions and disciplinary authority in respect of staff of Kolej Universiti.

53. (1) Subject to subsection (4), the disciplinary authority of the Kolej Universiti in respect of every member of the staff of the Kolej Universiti shall be the Disciplinary Committee of the Kolej Universiti which shall consist of —

(a) 2 members of the Council elected by the Council, one of whom shall be appointed by the Council as Chairman; and

(b) the Ra'es.

(2) In the exercise of its disciplinary functions, the Disciplinary Committee shall have the power to take such disciplinary action and impose such disciplinary punishment as may be provided for under any statute or regulation.

(3) The Disciplinary Committee may delegate any of its disciplinary functions, powers or duties to any member of the staff or officer of the Kolej Universiti or any board of members of staff or officers of the Kolej Universiti, in respect of any particular member of the staff or officer of the Kolej Universiti or in respect of any class or category of members of the staff or officers of the Kolej Universiti provided that —

(a) the member of the staff or officer of the Kolej Universiti or the board delegated with such functions, powers or duties shall carry out, exercise and discharge the functions, powers or duties under the direction and control of the Disciplinary Committee which shall have the power to review, rescind or vary any decision or finding of such member of the staff or officer or such board; and

(b) no delegation shall be made under this subsection as to enable a member of the staff or officer of the Kolej Universiti to exercise any

disciplinary authority or to be a member of a board which may exercise any disciplinary authority over a member of the staff or officer who is superior to him in rank.

(4) The Disciplinary Committee shall have no jurisdiction in respect of the Chancellor, the Pro-Chancellor or the Ra'ees.

(5) Any member of the staff of the Kolej Universiti who is dissatisfied with the decision of the disciplinary authority mentioned in this section may appeal against such decision to the Council which may give such decision thereon as it deems fit and proper.

Appointments of teachers and employees.

54. (1) All persons employed or to be employed by the Kolej Universiti other than those mentioned in sections 9 and 10 shall, subject to the provisions of this Constitution, be appointed by the Council.

(2) Every person employed by the Kolej Universiti shall, subject to the provisions of this Constitution or any statute or regulation, hold office on such conditions as may be determined by the Council and the conditions to be so determined shall be deemed to include a provision —

(a) in relation to teaching, examining, invigilating and other similar duties, that his employment is subject to the provisions of this Constitution and to the provisions of all statutes and regulations as from time to time amended; and

(b) in relation to all other terms and conditions of service that his employment is subject to the provisions of this Constitution and to the provisions of all statutes and regulations in force on the date of the commencement of his employment.

(3) Nothing in this section shall prevent the Council from entering into a special contractual arrangement with a person to be so employed by the Kolej Universiti if it is in the opinion of the Council expedient so to do.

All appointments to be subject to the Order and any subsidiary legislation thereunder.

55. Notwithstanding section 54 or any other provision of this Constitution, every person employed by the Kolej Universiti shall hold office subject to the provisions of the Order and any subsidiary legislation made thereunder and the conditions of their employment or appointments shall be deemed to include a provision to this effect.

Powers of delegation.

56. (1) Where by the provisions of this Constitution or any statute or regulation any officer or body is empowered to exercise any power or perform any duty, such officer or body may by instrument in writing subject to the provisions of this section and to such conditions and restrictions as may be prescribed in such instrument, delegate the exercise of such powers or the performance of such duties to any body or to any committee or to any person described therein by name or office.

(2) A delegation under this section may be revoked at any time by the officer or body making such delegation.

(3) No delegation of any power or duty under this section shall affect the exercise of such power or the performance of such duty by the officer or body making such delegation.

(4) Nothing in this section shall apply to any power to make or approve statutes or regulations.

Deprivation of degree etc. on grounds of misconduct.

57. If any member of an authority, or any graduate of the Kolej Universiti, or any person who has received a diploma or other academic distinction from the Kolej Universiti, is convicted by a court of law of any heinous offence whether within or without Brunei Darussalam, or is in the opinion of the Council guilty of scandalous conduct, it shall be lawful for the Chancellor, on the recommendation of not less than two-thirds of all the members of the Council —

(a) to remove him from membership of the authority; or

(b) to deprive him of any degree, diploma or other academic distinction conferred upon him by the Kolej Universiti.

Disputes as to elections determined by Chancellor.

58. If any question arises whether any person has been duly elected, appointed, nominated or co-opted to membership or is entitled to be or to remain a member of any authority or other body in the Kolej Universiti, the question shall be referred to the Chancellor, whose decision thereon shall be final.

Transitional Provisions.

59. (1) Any person who immediately before the date of commencement of this Order was a student at the Seri Begawan Religious Teachers College shall, on the date, be deemed to be a student of the Kolej Universiti.

(2) Any examination passed in the second or third years of a course of study by any student at the Seri Begawan Religious Teachers College before the date of commencement of this Order shall be deemed to have been passed in a corresponding examination conducted by the Kolej Universiti under this Order.

Made this 28th. day of Syaaban, 1429 Hijriah corresponding to the 30th. day of August, 2008 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM