



LAWS OF MALAYSIA

Act A1535

**PRIVATE HIGHER EDUCATIONAL INSTITUTIONS
(AMENDMENT) ACT 2017**

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PRIVATE HIGHER EDUCATIONAL INSTITUTIONS (AMENDMENT) ACT 2017

An Act to amend the Private Higher Educational Institutions Act 1996.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Private Higher Educational Institutions (Amendment) Act 2017.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Private Higher Educational Institutions Act 1996 [*Act 555*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “higher education” the following definition:

‘ “initial fund” means an account containing cash contribution that a company limited by guarantee is required to have prior to registration under section 24;’;

- (b) in the definition of “private higher educational institution”, by substituting for the words “a University College or a branch campus” the words “a University College or a foreign branch campus or a College”;
- (c) in the definition of “branch campus”, by deleting the words “and includes a branch of a foreign University or a University College,”;
- (d) by inserting before the definition of “higher education” the following definition:

‘ “foreign branch campus” means a branch of a foreign University or a University College that is established under this Act;’;

- (e) by inserting after the definition of “chief executive” the following definition:

‘ “College” means a private higher educational institution without the status of a University or University College or a foreign branch campus;’;

- (f) in the definition of “University” and “University College”, by deleting the words “, and include such private higher educational institution which is affiliated to a University or University College whether within or outside Malaysia, conferred with the status of a University or a University College”;
- (g) by inserting before the definition of “national language” the following definition:

‘ “Minister” means the Minister charged with the responsibility for higher education;’; and

- (h) by inserting after the definition of “distance education” the following definition:

‘ “fee structure” means a detailed amount of payment charged to students for undergoing a course of study or training programme;’.

Amendment of section 12

3. Section 12 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “, whether it be a locally incorporated company or otherwise,”;
- (b) in paragraph 1(c), by inserting after the word “institution” the words “and shall contain provisions for such matters as may be prescribed”; and
- (c) by inserting after subsection (1) the following subsection:

“(1A) If the successful applicant is a company limited by guarantee, the applicant shall ensure that—

- (a) its initial fund shall be of an amount as determined by the Minister;
- (b) the source of its initial fund to be disclosed to and approved by the Minister;
- (c) its composition of the board of directors shall be as determined by the Minister; and
- (d) the sole object of the applicant’s memorandum and articles of association shall be to establish and manage private higher educational institution and shall contain provisions for such matters as may be prescribed.”.

Amendment of section 14

4. Section 14 of the principal Act is amended by substituting for the words “and 17” the words “, 17 and 19”.

Amendment of section 15

5. Section 15 of the principal Act is amended—

- (a) by renumbering the existing provision as subsection (1);