



# LAWS OF MALAYSIA

Act 138

REGISTRATION OF ENGINEERS ACT, 1967

(Revised—1974)

LEMBAGA JURUTERA MALAYSIA

**AKTA PENDAFTARAN JURUTERA  
1967**

**(PINDAAN 1974)**

**DAN**

**KAEDAH-KAEDAH PENDAFTARAN  
JURUTERA 1972**

**(TERMASUK PERUBAHAN SEHINGGA  
9<sup>HB</sup> MEI, 1974)**

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## LAWS OF MALAYSIA

Act 138

## REGISTRATION OF ENGINEERS ACT, 1967

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## LAW OF MALAYSIA

Act 138

## REGISTRATION OF ENGINEERS ACT, 1967

(Revised—1974)

An Act to provide for the registration of Engineers and for purposes connected therewith.

[23rd August, 1972.]

## PART I

## PRELIMINARY

1. (1) This Act may be cited as the Registration of Engineers Act, 1967. Short title.

(2) (*Omitted*).

(3) The Minister may by notification in the *Gazette* suspend the operation of this Act in any part of Malaysia.

2. In this Act unless the context otherwise requires—

Interpreta-  
tion.

“appointed date” means the date appointed for the commencement of this Act;

“Board” means the Board of Engineers established by section 3 (1);

“Engineer” means a Civil Engineer, Electrical Engineer, Mechanical Engineer or Structural Engineer or other person qualified to be registered under this Act;

“prescribed” means prescribed by regulations made under section 26;

“Register” means the Register kept and maintained under section 5;

“registered Engineer” means an Engineer registered under this Act;

“registered Graduate Engineer” means an Engineer registered under section 10 (1);

“registered Professional Engineer” means an Engineer registered under section 10 (2);

“Registrar” means the Registrar of Engineers appointed under section 6 (1).

PART II

BOARD OF ENGINEERS

Establishment of Board of Engineers.

3. (1) For the purposes of this Act there is hereby established a board to be called “Board of Engineers” which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.

(2) The Board shall consist of the following members to be appointed by the Minister:

- (a) a President who shall be a registered Professional Engineer;
- (b) not more than fourteen members who shall be registered Professional Engineers, seven of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia);
- (c) one member on the nomination of the Board of Architects from among members of that Board established under the Architects Act, 1967; and
- (d) one member on the nomination of the Board of Surveyors from among members of that Board established under the Registration of Surveyors Act, 1967.

Act 117.

67/67.

(2A) Notwithstanding subsection (2), the first Board shall consist of the following members to be appointed by the Minister:

- (a) a President who shall be a person qualified to be registered as a registered Professional Engineer;
- (b) not more than fourteen members who shall be persons qualified to be registered as registered Professional Engineers, seven of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia);
- (c) one member who shall be a person qualified to be appointed to the Board of Architects; and
- (d) one member who shall be a person qualified to be appointed to the Board of Surveyors.

## REGISTRATION OF ENGINEERS

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(3) The members of the Board referred to in subsection (2) (b) shall consist of the following:

- (a) not more than five Engineers who are in the public service of the Federation;
- (b) not more than two Engineers who are in the service of any local authority or statutory authority;
- (c) not more than five Engineers who are in private practice; and
- (d) not more than two Engineers who are in full time employment of any person or body of persons, not being in the public service of the Federation or in the service of local authority or statutory authority.

(4) A member of the Board, including the President shall, unless he sooner resigns or his appointment is revoked, hold office for a term not exceeding three years and subject to subsection (5) shall be eligible for reappointment.

(5) A member of the Board, including the President, shall not be appointed for more than five consecutive years.

(6) If any member of the Board dies or resigns or his appointment is revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed.

(7) The provisions of the Schedule shall have effect with respect to the Board.

4. The functions of the Board shall be—

- (a) to keep and maintain the Register;
- (b) to approve or reject applications for registration under this Act or to approve any such application subject to such restrictions as it may deem fit to impose;
- (c) to order cancellation, removal or reinstatement in accordance with Part IV;
- (d) to fix from time to time with the approval of the Minister the scales of fees to be charged by registered Engineers for professional advice or service rendered;

Functions  
of the  
Board.



- (e) to hear and determine disputes relating to professional conduct or ethics of Engineers or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes;
- (f) to determine and regulate the conduct and ethics of the engineering profession; and
- (g) generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Act.

### PART III

#### REGISTRATION OF ENGINEERS

Register.

5. (1) The Board shall keep and maintain a Register which shall be in two Parts, that is to say—

- (a) Part A—which shall contain the names, business addresses and other particulars of Engineers who are registered as Professional Engineers; and
- (b) Part B—which shall contain the names, business addresses and other particulars of Engineers who are registered as Graduate Engineers.

(2) There shall be indicated against each name of an Engineer kept in the Register the branch or branches of engineering in which he is qualified.

Appointment and duties of Registrar.

6. (1) The Minister may appoint a Registrar of Engineers who shall be under the general direction of the Board and who shall sign all certificates of registration and record all entries of registration, cancellations and reinstatements in the Register.

(2) The Registrar shall—

- (a) as soon as may be convenient after the first day of January of each year, prepare and publish in the *Gazette* a list containing the names, qualifications (including the branch or branches of engineering to which the qualifications relate) and addresses of all registered Engineers; and
- (b) from time to time publish in the *Gazette* the names, qualifications and addresses of Engineers added to or removed from the Register.

## REGISTRATION OF ENGINEERS

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(3) In any proceedings a list published under subsection (2) shall be prima facie proof that the Engineers whose names appear therein are registered Engineers; and the absence of the name of any Engineer from the list shall be prima facie proof that the Engineer is not a registered Engineer.

(4) The Registrar may annually publish and offer for sale copies of the Register.

7. (1) No person shall unless he is a registered Professional Engineer—

Restrictions on unregistered persons and registered Graduate Engineers.

- \* (a) practise, carry on business or take up employment as an Engineer under any name, style or title bearing the words "Professional Engineer", "Registered Engineer" or the equivalent thereto in any other language or bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a registered Professional Engineer;
- (b) use or display any sign, board, card or other device representing or implying that he is a registered Professional Engineer; or
- (c) be entitled to recover in any court any fee, charge or remuneration for any professional advice or services rendered as an Engineer.

(2) Notwithstanding subsection (1)—

- (a) a registered Graduate Engineer may with the written approval of the Board take up employment as an Engineer; and

\* Section 2 (b) of the Registration of Engineers (Amendment) Act, 1974 (Act A218) substitutes the following for s. 7 (1) (a):

"(a) practise, carry on business or take up employment as an Engineer;

(aa) do so under any name, style or title—

- (i) bearing the words 'Professional Engineer', 'Registered Engineer' or the equivalent thereto in any other language; or
- (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a registered Professional Engineer;"

The amendment will come into operation on a date to be appointed by the Minister by notification in the *Gazette*—see s. 1 (2) of Act A218.

(b) a person who is a registered Professional Engineer by virtue of \*section 10 (2) (iii) as in force on the appointed date who on the 1st March, 1974, was not practising as an Engineer in private practice shall not so practise at any time after that date, unless—

(i) he is a Corporate Member of the Institution of Engineers (Malaysia); or

(ii) he holds a certificate from the Board that he has obtained a professional qualification which the Board considers to be equivalent thereto.

(3) Subsection (1) shall not apply in the case of a person who holds a certificate—

Act 116.  
Act 139.

(a) issued under the Electricity Act, 1949, the Factories and Machinery Act, 1967, or any other written law, certifying that he possesses a qualification prescribed for the purposes of those Acts or that other written law; or

(b) issued by any person, body, authority or institution specified from time to time by the Board by notification in the *Gazette*, certifying that he holds a qualification for the purposes of any vocation,

to the extent of his authority under the certificate.

Engineering  
practice by  
bodies  
corporate

7A. (1) Notwithstanding section 7 (1), a body corporate may practise as consulting engineers and recover in any court any fee, charge or remuneration for any professional advice or services rendered by it pursuant to its practice as consultants carried on by virtue of this section, if it has the written approval of the Board to so practise, and the Board shall grant such approval, subject to such conditions or restrictions as it may deem fit to impose, if—

(a) the board of directors of the body corporate consists entirely of registered Professional Engineers; and

\* Section 10 (2) (iii) as in force on the appointed date read as follows:

"(2) Subject to the provisions of this Act, the following persons shall be entitled on application to be registered as Professional Engineers—

(iii) any person who satisfies the Board that he was practising or was carrying on business or was employed as a bona fide Engineer immediately before the appointed date and who applies for registration within twelve months of that date."

See Registration of Engineers (Amendment) Act, 1972 (Act A132), s. 8.

## REGISTRATION OF ENGINEERS

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(b) the shares in the body corporate are held entirely by registered Professional Engineers, but not otherwise.

(2) A body corporate practising as consulting engineers by virtue of subsection (1) shall, within two weeks of the occurrence of any change in the composition of its board of directors or in the shareholding thereof, furnish to the Board a true written report of the change.

(3) If the Board finds that—

- (a) the composition of the board of directors or the shareholding of a body corporate which practises as consulting engineers by virtue of subsection (1) is not in accordance with that subsection; or
- (b) the body corporate has contravened any of the conditions or restrictions subject to which the written approval of the Board to practise as consulting engineers was granted to it,

the Board may, subject to subsection (4), by written notice to the body corporate, withdraw the approval.

(4) The Board shall not withdraw its approval under subsection (3) unless—

- (a) there has been a hearing at which at least two-thirds of the total number of members of the Board are present; and
- (b) an opportunity to be heard either by a representative appointed in writing or by counsel has been given to the body corporate from which the Board intends to withdraw its approval.

(5) This section shall apply to every body corporate whether formed before or after the commencement thereof.

8. (1) Except as otherwise provided under any written law relating to the registration of architects and surveyors, no person other than a registered Professional Engineer shall be entitled—

- (a) to submit plans, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia:

Provided that the Board may prescribe restrictions to be imposed in accordance with the qualifications of the registered Professional Engineer;

Only registered Professional Engineer may submit plans or drawings.

(b) to describe himself as a Professional Engineer and to use the abbreviation 'P. Eng.' after his name.

(2) Nothing in this section shall prohibit any person who, on the appointed date, was registered with any Government department, local authority or statutory authority for the purpose of submitting plans, drawings, schemes, proposals, reports, designs or studies to that department or authority, to continue to submit them to that department or authority, subject to such restrictions or conditions as may be imposed under such registration.

Registered  
Engineers  
subject to  
this Act.

9. Every registered Engineer shall be subject to this Act.

Qualifica-  
tions for  
registration.

10. (1) (a) Subject to this Act, any person who holds the qualification required for Graduate Membership of the Institution of Engineers (Malaysia) or such other qualification as the Board considers to be equivalent thereto, shall be entitled on application to be registered as a Graduate Engineer.

(b) Subject to this Act, a person who is registered as a Graduate Engineer under paragraph (a) shall be required to obtain such practical experience as may be prescribed by the Board after consultation with the Minister and the Institution of Engineers (Malaysia) in order to be entitled to apply for registration as a Professional Engineer under subsection (2).

(2) Subject to this Act, the following persons shall be entitled on application to be registered as Professional Engineers:

(i) any person who—

(a) is registered as a Graduate Engineer;

(b) has obtained the practical experience as prescribed under subsection (1) (b); and

(c) is a Corporate Member of the Institution of Engineers (Malaysia) or has obtained a professional qualification which the Board considers to be equivalent thereto;

(ii) any person who, on the appointed date, was a Corporate Member of the Institution of Engineers (Malaysia) or held a professional qualification which the Board considers to be equivalent thereto;

- (iii) any person who satisfies the Board that he was practising or was carrying on business or was employed as a bona fide Engineer immediately before the appointed date and who applies for registration within twelve months of that date:

Provided that a person who comes within the scope of section 7 (3), shall not be entitled to be registered under this paragraph unless he holds a professional qualification recognised by the Board for the purposes of this Act; and

- (iv) any person who, on the appointed date, had obtained a qualification which would have entitled him to be registered as a Graduate Engineer by virtue of subsection (1) (a) and who, after that date, has obtained outside Malaysia a professional qualification which the Board considers to be equivalent to that required for Corporate Membership of the Institution of Engineers (Malaysia).

(3) For the purpose of subsection (2) (iv), a person shall be treated as having obtained a professional qualification outside Malaysia if, while undergoing the necessary course of studies, receiving the necessary instruction and training, and acquiring the necessary practical experience, he was entirely or mostly absent from Malaysia.

11. (*Repealed*).

12. Application for registration shall be made to the Board in such manner as may be prescribed.

Application for registration.

13. (1) The Registrar shall upon receipt of the prescribed fee issue to any applicant whose application has been approved by the Board a certificate of registration in the prescribed form.

Certificate of registration.

(2) Every certificate of registration shall, subject to this Act, expire on the 31st day of December of the year in which it is issued and shall thereafter be renewable annually upon payment of the prescribed fee.

14. Every registered Engineer shall notify the Registrar of any change in his business address.

Notification of change of address.



PART IV

CANCELLATION, REMOVAL AND REINSTATEMENT

Cancellation of registration.

15. (1) Subject to this section the Board may order the cancellation of the registration of any Engineer under any of the following circumstances:

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) if he offers or accepts any commission which in the opinion of the Board is an illicit commission;
- (c) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client;
- (d) if his registration under this Act has been obtained by fraud or misrepresentation;
- (e) if his qualification under section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;
- (f) if he is found to be of unsound mind or otherwise incapable of performing his professional duties or becomes a bankrupt;
- (g) if he is found by the Board to have contravened this Act; or
- (h) if he fails to observe any restriction subject to which he is registered.

(2) The Board shall not make any order under subsection (1) unless—

- (a) there has been a hearing at which at least two-thirds of the total number of members of the Board are present; and
- (b) an opportunity of being heard either personally or by counsel has been given to the registered Engineer against whom the Board intends to make the order.

(3) Any order made by the Board under this section shall be published in the *Gazette* within thirty days of the making thereof.

16. There shall be removed from the Register the name and other particulars of any registered Engineer—

Removal  
from  
Register.

- (a) who has died;
- (b) who has failed to renew his certificate of registration within one month of the expiry thereof; or
- (c) whose registration has been cancelled under section 15.

17. (1) Any person whose name has been removed from the Register pursuant to an order of the Board under section 15, shall, if his appeal is allowed, forthwith be reinstated; and the fact of the reinstatement shall be published in the *Gazette* within thirty days of the reinstatement.

Reinstatement.

(2) Any person whose name has been removed from the Register for failure to renew his certificate of registration shall be reinstated as soon as may be after he has notified the Registrar of his desire to be reinstated and upon payment of such fees as may be prescribed.

(3) Any person whose name has been removed from the Register pursuant to an order of the Board under section 15 and who has not appealed against that order or whose appeal has been dismissed, may after the expiration of not less than six months from the date of the order of cancellation or from the date of the decision of the appeal apply for reinstatement. The Board upon receipt of satisfactory evidence of proper reasons for his reinstatement and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to cancellation of his registration and upon payment of the prescribed fee for a certificate of registration may register him again.

18. Any person whose name is removed from the Register shall within fourteen days after notification to him by registered post of the removal, surrender to the Board the certificate of registration issued to him under this Act.

Certificates  
to be  
returned.

## PART V GENERAL

19. (1) Any person—

Appeal.

- (a) who has been refused registration by the Board;
- (b) who has been registered but is dissatisfied with any restrictions imposed by the Board under section 4 (b); or



(c) who having been registered has had his name removed from the Register pursuant to an order made by the Board under section 15,

may within twenty-one days of being notified of the refusal, registration or removal, appeal to the Appeal Board constituted under section 20 and the Appeal Board may thereupon make such orders as it may deem just or proper.

(2) The Board shall give effect to any order made by the Appeal Board forthwith.

Appeal Board.

20. For the purpose of this Part there shall be established an Appeal Board consisting of a Judge of the High Court as Chairman who shall be appointed by the Yang di-Pertuan Agong (after consultation with the Lord President) and two other persons appointed by the Yang di-Pertuan Agong.

Tenure of office of members of the Appeal Board.

21. A member of the Appeal Board shall unless he sooner resigns his office or his appointment is revoked hold office for such term as may be specified in the instrument appointing him and shall be eligible for re-appointment.

Procedure of appeal.

22. (1) A notice of appeal against an order of the Board referred to in section 19 shall be in writing.

(2) On receipt of the notice of appeal the President of the Board or in the absence of the President the member delegated by the President so to do shall cause to be prepared records or a summary of the records of the proceedings of the Board and the statement setting out the grounds on which the Board arrived at its decision.

(3) Upon receiving the records or summary of the records and the grounds of the decision of the Board the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal.

(4) The Appeal Board after hearing the appeal may confirm or vary the decision of the Board.

(5) The decision of the Appeal Board shall be final.

Procedure of Appeal Board.

23. The Appeal Board shall at its discretion determine its own procedure.

## 24. Any person who—

- (a) procures or attempts to procure registration or a certificate of registration under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in the Register;
- (c) forges, alters or counterfeits any certificate of registration under this Act;
- (d) utters or uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited;
- (e) personates a registered Professional Engineer or a registered Graduate Engineer;
- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another person; or
- (g) sells any certificate of registration issued under this Act,

Penalties for obtaining registration by false pretences, etc.

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

25. (1) Any person who contravenes this Act shall be guilty of an offence and shall, where no penalty is expressly provided therefor, be liable, on conviction, to a fine not exceeding two thousand dollars.

General penalty.

(2) If a body corporate contravenes this Act, every director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the body corporate is guilty of and liable to, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part.

26. The Board may with the approval of the Minister make regulations to prescribe anything which may be prescribed or is required to be prescribed under this Act.

Regulations.

Authoriza-  
tion by  
President.

26A. (1) Subject to subsection (2) and such policy as the Board may from time to time adopt, the President may from time to time, on payment of the prescribed fee and on such conditions or with such restrictions as he thinks fit to impose, in writing authorize any person who is not a registered Professional Engineer to do any act or thing that the person would, but for the authorization, be prohibited, or not be entitled, to do, and may at any time, without assigning any reason therefor, withdraw the authorization by notice served on the person.

(2) No person shall be authorized under this section to do any such act or thing for more than a total period of one hundred and eighty days in any one calendar year.

(3) A person who does any such act or thing under and in accordance with an authorization under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted or entitled to do that act or thing as if he were a registered Professional Engineer.

Saving as  
to right of  
Govern-  
ment.

27. Nothing in this Act contained shall apply to anything done or omitted to be done by or under the authority of the Federal Government or the Government of any State.

SCHEDULE

(Section 3 (7))

1. (1) The following persons shall be disqualified from being appointed or being members of the Board:

(a) a person who is of unsound mind and/or is otherwise incapable of performing his duties; and

(b) a bankrupt.

(2) A member of the Board shall vacate his office if he fails to attend three consecutive meetings of the Board without the permission in writing of the President or if he becomes disqualified under subparagraph (1).

2. (1) The Board shall meet at least once a year at such place as may from time to time be appointed by the President.

(2) At any meeting of the Board the President shall preside, and in his absence the members shall elect one of their number to preside over the meeting.

(3) Nine members of whom at least two shall be members appointed under section 3 (3) (a) or (b) and two shall be members appointed under section 3 (3) (c) or (d) personally present at any meeting of the Board shall constitute a quorum.

## REGISTRATION OF ENGINEERS

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(4) If on any question to be determined by the Board there is an equality of votes, the President or, in the case where the President is absent, the member presiding over that meeting shall have a casting vote.

(5) Subject to sub-paragraphs (3) and (4) the Board shall determine its own procedure.

(6) The Board shall cause proper records of its proceedings to be kept.

3. (1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board as the Board may think fit.

(2) Until a seal is provided by the Board under this paragraph, a stamp bearing the description "Board of Engineers" may be used and shall be deemed to be the common seal.

(3) The common seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President, and any document purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is shown be deemed to have been validly executed.

4. All monies arising from fees payable under this Act shall be paid to the Board to be applied in the first place to defraying the expenses of registration and other expenses of the administration of this Act including any expenses of the Board that may be allowed under any regulations made under this Act and thereafter to providing scholarships and the promotion of learning and education in connection with engineering. Monies not immediately required by the Board shall be invested in such trustee securities as the Board may from time to time determine.