

Act 138

REGISTRATION OF ENGINEERS ACT 1967

(Revised — 1987)

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 — Interpretation.

“appointed date” means the date appointed for the commencement of this Act; [Act  
A132]

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

“body corporate practising as consulting engineers” means a body corporate incorporated under the Companies Act 1965 which has been approved by the Board to practise as consulting engineers under this Act; [Act  
A662]

“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;

[Act  
A132]

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

[Act  
A132]

“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.

[Act  
A132]

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

[Act  
A662]

(a) a President who shall be a registered Professional Engineer;

(b) not more than fourteen members who shall be registered Professional Engineers, five 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

[Act  
A662]

(d) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Registration of Surveyors Act, 1967.

(2A) Notwithstanding subsection (2), the first Board shall consist of the following members to be appointed by the Minister: [Act  
A173]

(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, five of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia); [Act  
A662]

(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 Quantity Surveyors. [Act  
A662]

(3) The members of the Board referred to in subsection (2)(b) shall consist of the following: [Act  
A132]

(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. [Act  
A132]

(5) A member of the Board, including the President shall not be appointed for more than five consecutive years. [Act  
A173]

(6) If any member of the Board dies or resigns or his [Act  
A132]

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.

Functions of  
the Board.

[Act  
A662]

4. (1) 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;
- (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.

[Act  
A132]

(2) Without prejudice to the general powers conferred by subsection (1) the Board shall have power—

- (a) to purchase or lease any land or building required for any of the purposes of the Board;
- (b) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a); and
- (c) to lease out, dispose, or otherwise deal in any immovable property of the Board.

[Act  
A662]

PART III  
REGISTRATION OF ENGINEERS

5. (1) The Board shall keep and maintain a Register <sup>Register.</sup> 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 <sup>[Act A662]</sup> Engineer kept in the Register the branch or branches of engineering in which he is qualified to practise and particulars of any restrictions imposed by the Board under section 4(1)(b).

6. (1) The Minister may appoint a Registrar of Engineers <sup>Appointment and duties of Registrar.</sup> 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 <sup>[Act A662]</sup> the *Gazette* a list containing the names, qualifications (including the branch or branches of engineering to which the qualifications to practise relate) and addresses of all registered Engineers together with particulars of any restrictions imposed by the Board under section 4(1)(b); and

(b) from time to time publish in the *Gazette* the names, qualifications and addresses of Engineers added to or removed from the Register together <sup>[Act A662]</sup> with particulars of any restrictions imposed by the Board under section 4(1)(b) on such Engineers.

(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 published and offer for sale copies of the Register.

Restrictions on unregistered persons and registered Graduate Engineers.

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

(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;

(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;

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

[Act A218]

[Act A218]

(i) he holds a certificate from the Board that he has obtained a professional qualification approved by the Board; or

[Act  
A662]

(ii) he is a Corporate Member of the Institution of Engineers (Malaysia).

[Act  
A662]

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

(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.

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 consulting engineers carried on by virtue of this section, if it has the written approval of the Board to so practise and has been issued with a valid permit in respect thereof.

Engineering  
practice by  
bodies  
corporate.

[Act  
A662]

(2) Every application by a body corporate for approval to practise as consulting engineers shall be made to the Board in the prescribed form and manner and shall be accompanied by the prescribed fee.

(3) The Board shall grant its approval for a body corporate to practise as consulting engineers, subject to such conditions and restrictions as it may deem fit to impose, if—

(a) the board of directors of the body corporate consists—

- (i) entirely of individual persons who are registered Professional Engineers; or
- (ii) of a majority of individual persons who are registered Professional Engineers and any other individual persons who are architects, quantity surveyors or land surveyors registered under any written law relating to the registration of such professions, or other individual persons belonging to a profession allied to the practice of engineering and who have been approved in writing by the Board; and

(b) all the shares in the body corporate are either held by the persons mentioned in paragraph (a) (i) or (a) (ii), as the case may be, provided always that the registered Professional Engineers shall have a controlling interest in the shares of the body corporate.

(4) A body corporate practising as consulting engineers shall, within thirty days of the occurrence of any change in the compositions of its board of directors or its shareholders, furnish to the Board a true report in writing giving full particulars of the change.

(5) If the Board finds that—

- (a) the body corporate practising as consulting engineers or any of its directors or shareholders has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board when granting approval;
- (b) the composition of the board of directors or the shareholding of the body corporate practising as consulting engineers does not comply with subsection (3);
- (c) the body corporate practising as consulting engineers has breached any of the requirements of subsection (4); or



(d) any director or shareholder of a body corporate practising as consulting engineers, whether such director or shareholder is a registered Professional Engineer or not, has committed, or is guilty of, or has contributed to, any of the acts or things set out in paragraphs (a) to (m) of section 15 (1),

the Board may, subject to subsection (6), by written notice to the body corporate, withdraw the approval given under subsection (3).

(6)(a) The Board shall not withdraw its approval given under subsection (3) unless—

- (i) there has been a hearing of the grounds of complaint against the body corporate and any of its directors or shareholders who has caused, contributed or been a party to, the grounds of complaint, conducted by at least two thirds of the total number of members of the Board; and
- (ii) an opportunity to be heard, by representative appointed in writing or by counsel in the case of a body corporate, or personally or by counsel in the case of any director or shareholder, has been given to such body corporate, director or shareholder, as the case may be.

(b) In any case where the grounds of complaint are based on subsection (5) (d), the Board shall not withdraw its approval if, on the date of hearing, such body corporate satisfies the Board—

- (i) that the director or shareholder who has committed, or is guilty of, or has contributed to, such act or thing as forms the grounds for the complaint has ceased to be a director or shareholder, or both, of such body corporate.
- (ii) that notwithstanding that such director or shareholder has ceased to be a director or shareholder, or both, such body corporate is

able to comply with all the terms, conditions and restrictions imposed by the Board pursuant to subsection (3); and

- (iii) that no other director or shareholder of such body corporate was, otherwise than by being its director or shareholder at the material date, in any way a party to, or connected with, the act or thing as forms the grounds for the complaint.

(7) Upon the Board withdrawing its approval pursuant to subsection (5), the body corporate shall cease to practise as consulting engineers but it shall be entitled to recover in any court any fee, charge or remuneration for any professional advice or services rendered by it pursuant to its practice as consulting engineers where such advice was given or such services were rendered prior to the date of receipt of the notice from the Board withdrawing its approval.

(8)(a) The Board may at any time, upon receipt of an application by a body corporate whose approval to practise as consulting engineers has been withdrawn pursuant to subsection (5), grant a fresh approval to such body corporate if it is satisfied that —

- (i) the reason which led to the withdrawal of its approval no longer exists; and
- (ii) the body corporate, at the time of such application, complies with the terms, conditions and restrictions imposed by the Board pursuant to subsection (3) at the time of the original approval.

(b) In granting a fresh approval under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit.

(9) There shall be no appeal against —

- (a) any refusal of the Board to grant approval for a body corporate to practise as consulting engineers; or
- (b) any terms, conditions or restrictions imposed by the Board at the time of granting approval.

(10) The Registrar shall, upon receipt of the prescribed fee, issue to any body corporate whose application to practise as consulting engineers has been approved by the Board a permit in the prescribed form.

(11) Every permit 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.

(12) A body corporate which has been approved by the Board to practise as consulting engineers before the commencement of this section shall be deemed to have obtained such approval under this section, and the provisions of this section shall apply to such body corporate in the same manner as they would apply to it if it had obtained the approval under this section.

8. (1) Except as otherwise provided under any other written law –

(a) no person other than a registered Professional Engineer who is residing in Malaysia, shall be entitled to submit plans, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia; and

(b) no person other than a registered Professional Engineer shall be entitled to describe himself as a Professional Engineer and to use the abbreviation "Ir." before his name or the abbreviation "P. Eng." after his name or in any way in association with his name.

(2) The right of a registered Professional Engineer to submit plans, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia is subject to any restrictions imposed by the Board under section 4(1)(b), and is restricted to the right to submit such documents only in relation to the branch of engineering in which the registered Professional Engineer is qualified as shown by the entries made in the Register under section 5(2).

(3) Nothing contained in any written law shall prevent

Only registered Professional Engineer may submit plans or drawings.

[Act A662]



any registered Professional Engineer from making valuations of any structure, plant, machinery and equipment, and making valuations for mining purposes, in connection with his professional practice.

(4) Nothing in this section shall prohibit—

- (a) 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 terms and conditions as may be or have been imposed under such registration;
- (b) any person holding one of the certificates referred to in section 7 (3) from continuing to do all things which the certificate enables or authorizes him to do;
- (c) any person from submitting plans or drawings where such plans or drawings are in connection with equipment, plant or specialised product invented or sold by him or his employer. For the purpose of this paragraph the expression “employer” shall not include a client; and
- (d) any person registered under section 10A from submitting plans, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia, subject to such conditions or restrictions as the Board may impose from time to time.

Registered  
Engineers  
subject  
to this Act.

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

Qualifications  
for registration.  
[Act  
A132]

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 in order to be entitled to apply for registration as a Professional Engineer under subsection (2). [Acts  
A132 &  
A662]

(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) has passed a professional assessment examination conducted by the Board, or is a Corporate Member of the Institution of Engineers (Malaysia) or has obtained a professional qualification which the Board considers to be equivalent thereto; [Act  
A662]

(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; [Act  
A218]

(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

[Act  
A218]

(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).

[Act  
A218]

(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.

[Act  
A662]

(4) Subject to this Act, only a citizen or a permanent resident of Malaysia may qualify for registration as a Graduate Engineer or Professional Engineer and no person shall be entitled to be registered as a Professional Engineer unless he is at the time of application for registration, and has been for a period of not less than six months prior to the date of application, residing in Malaysia.

[Act  
A662]

(5) No person shall be entitled to be registered as a Professional Engineer if at any time prior to his registration there exist any facts or circumstances which would have entitled the Board to cancel his registration pursuant to section 15.

[Act  
A662]

(6) Sections 17(3) and 19(1) shall apply *mutatis mutandis* to any person whose application for registration has been rejected pursuant to subsection (5).

Temporary  
registration  
of foreign  
engineers.

[Act  
A662]

**10A.** (1) Subject to this section and such conditions as the Board may think fit to impose, the Board may, upon payment of the prescribed fee, approve the temporary registration as a Professional Engineer of any foreign engineer.

(2) A foreign engineer may be considered for temporary registration if he satisfies the Board that—

(a) he possesses the necessary qualification which is recognised for the practice of engineering as a Professional Engineer in the country where he normally practises; and

(b) he possesses the necessary expertise and his physical presence is required in Malaysia for not less than one hundred and eighty days in one calendar year or he is a resident representative of the foreign component of a joint-venture.

(3) The Board may approve a temporary registration for such period not exceeding one calendar year and may renew such temporary registration as it deems fit.

(4) Any foreign engineer who is not satisfied with the decision of the Board in rejecting his application for temporary registration or the renewal thereof under this section may within twenty one days of being notified of the rejection, appeal to the Minister whose decision thereon shall be final and shall not be subject to appeal.

(5) A foreign engineer registered under section 10 on or before the commencement of this section shall remain registered until the expiry of his registration.

(6) A foreign engineer whose registration has expired may apply for temporary registration subject to the provisions of this section.

(7) For the purpose of this section "foreign engineer" means an engineer who is not a citizen or a permanent resident of Malaysia.

11. *(Repealed by Act A132)*

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.  
[Act  
A132]

(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.

Notification  
of change  
of address.

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

#### PART IV

##### CANCELLATION, REMOVAL AND REINSTATEMENT

Cancellation  
of registration.  
[Act  
A662]

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

[Act  
A132]

(a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude in Malaysia or elsewhere;

(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;

[Act  
A662]

(d) if his registration under this Act has been obtained by fraud or misrepresentation or by reason of any mistake or error made by the Board in considering the application for registration;

(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;

[Act  
A132]

(f) if he is found to be of unsound mind or otherwise incapable of performing his professional duties or becomes a bankrupt;

[Acts  
A132,  
A218 &  
A662]

(g) if he is found by the Board to have contravened,



or failed to comply with this Act or any regulations made thereunder;

- (h) if he fails to observe any restriction subject to which he is registered; [Act A218]
- (i) if he is found guilty by the Board of any act or conduct which in the opinion of the Board is infamous or disgraceful; [Act A662]
- (j) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation, the approval of the Board for a body corporate to practise as consulting engineers; [Act A662]
- (k) if he conceals or assists in concealing from the Board the existence of any facts or circumstances which, if known, would entitle the Board to withdraw its approval from any body corporate practising as consulting engineers in which he is a director or shareholder; [Act A662]
- (l) if he contravenes, or fails to perform, or assists in the contravention of, any terms, conditions or restrictions imposed by the Board when granting approval to a body corporate under section 7A (3); [Act A662]
- (m) if he causes or permits or suffers any body corporate in which he is a director or shareholder to practise as consulting engineers prior to the approval of the Board being obtained; [Act A662]
- (n) if he causes or permits or suffers any body corporate in which he is a director or shareholder to continue to practise engineering after the Board has withdrawn its approval under section 7A (5); or [Act A662]
- (o) if after being removed from the Register under section 16 (b) he fails to renew his registration for a continuous period of three years from the date of such removal. [Act A662]

(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.

[Act  
A662]

(3) The Board may, if it deems fit, suspend the registration of any registered Professional Engineer or body corporate practising as consulting engineers for a period not exceeding six months pending any investigation by the Board under this Act and during the period of such suspension he or it shall not exercise any of the rights or privileges accorded to him or it under this Act.

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

Removal from  
Register.

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

(a) who has died;

[Act  
A662]

(b) who has failed to renew his registration within one month of the expiry thereof; or

(c) whose registration has been cancelled under section 15.

Reinstatement.

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.

[Act  
A662]

(2) Any person whose name has been removed from the Register for failure to renew his registration for a period of not more than three years 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. [Act A132]

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 —

- (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(1)(b);
- (c) who having been registered has had his name removed from the Register pursuant to an order made by the Board under section 15; or
- (d) who has been registered and has subsequently applied to have his registration extended to cover additional branches of engineering and has had his application refused,

Appeal.

[Act A662]

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.

Penalties for obtaining registration by false pretences, etc.

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; [Act A662]
- (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,

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

24A. (1) No person shall employ as an Engineer any person who is not registered under this Act.

Restriction on employment of unregistered person as an Engineer.

(2) Nothing in subsection (1) shall prohibit the employment of any person holding one of the certificates referred to in section 7 (3) to do all things which the certificate enables or authorizes him to do.

[Act A662]

25. (1) Any person who contravenes this Act or any regulations made thereunder 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 ringgit.

General penalty. [Acts A173 & A652]

(2) If a body corporate contravenes this Act or any regulations made thereunder 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

[Acts A218 & A662]

knowledge, consent or connivance or was not attributable to any neglect on his part.

Regulations.  
[Act  
A662]

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 or to enable it to perform any of its functions or to exercise any of its powers set out in this Act.

Authorization  
by President.  
[Act  
A218]

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  
Government.

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. [Act A132]

(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 and, except in relation to sections 15 and 26, have power to delegate to committees appointed by the Board all or any of the functions of the Board upon such terms and subject to such conditions and restrictions as the Board may in its absolute discretion think fit. Any act, ruling or decision of any committee so appointed shall be deemed to be the act, ruling or decision of the Board. [Act A662]

(6) The Board shall cause proper records of its proceedings and of the proceedings of any committee appointed by it to be kept. [Act A662]

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.