



ACTS

PASSED DURING THE YEAR

1967

PUBLISHED BY AUTHORITY

DI-CETAK DI-JABATAN CETAK KERAJAAN
OLEH MOHAMED BIN ABDULLAH, PEMANGKU PENCETAK KERAJAAN
KUALA LUMPUR
1968

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MALAYSIA

Act of Parliament

No. 66 of 1967

REGISTRATION OF ENGINEERS ACT, 1967

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MALAYSIA

Act of Parliament

No. 66 of 1967

REGISTRATION OF ENGINEERS ACT, 1967

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

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Registration of Engineers Act, 1967, and shall apply throughout the Federation.

Short title,
application
and com-
mencement.

(2) This Act shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

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

2. In this Act unless the context otherwise requires—

Interpreta-
tion.

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

“Minister” means the Minister charged with the responsibility for public works;

“prescribed” means prescribed by rules made by the Board of Engineers;

“Public authority” has the meaning assigned to it in the Federal Constitution;

“Register” means the Register kept and maintained by the Board of Engineers under section 5;

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

"Consulting Engineer" means an Engineer in private practice qualified to practise in one or more of the various branches of engineering and who is engaged in advising on engineering matters or in designing and supervising the construction of engineering works whether or not he is so engaged alone or in partnership and is not directly or indirectly concerned or interested in commercial or manufacturing interests such as would tend to influence his exercise of independent professional judgment in the matter upon which he advises;

"Engineer employed in private practice" means a registered Engineer in full time employment of a Consulting Engineer, or of an Architect or Surveyor who is registered under the law in force relating to registration of Architects and Surveyors.

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 "the Board of Engineers" (hereinafter referred to as "the Board") 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—

- (a) a President appointed by the Minister from among registered Engineers;
- (b) seven members being registered Engineers appointed by the Minister on the nomination of the Institution of Engineers (Malaysia), of whom at least one shall be a Civil Engineer, one an Electrical Engineer and one a Mechanical Engineer. Of the seven registered Engineers so nominated one shall be nominated from among registered Engineers in the service of a Public authority, five shall be Consulting Engineers and one Engineer from Part B; of the five Consulting Engineers, four shall be from a nomination list submitted by the body, if any, representing the majority of the Consulting Engineers;
- (c) seven members appointed by the Minister from among persons specified in sub-section (3);
- (d) one member appointed by the Minister on the nomination of the Board of Architects from among members of that Board;

(e) one member who shall be appointed by the Minister on the nomination of the Board of Surveyors from among members of that Board.

(3) Members of the Board referred to in paragraph (c) of sub-section (2) shall consist of the following:

(i) five registered Engineers in the service of any Public authority of whom at least one shall be a Civil Engineer, one an Electrical Engineer and one a Mechanical Engineer; and

(ii) two registered Consulting Engineers.

(4) A member of the Board including the President shall be appointed annually and subject to sub-section (5) unless he sooner resigns or his appointment is revoked shall hold office for such term as may be specified in the instrument appointing him and shall be eligible for re-appointment.

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

(6) 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 a 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 maximum 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.

Functions of the Board.

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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, addresses and other particulars of Consulting Engineers, Engineers employed by a Public authority and Engineers engaged in full time teaching or research at any engineering institution; and

(b) Part B—which shall contain the names and addresses and other particulars of Engineers employed in private practice and any other 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 (hereinafter referred to as "the Registrar") 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;

(b) from time to time publish in the *Gazette* the names, qualifications and addresses of Engineers added to or removed from the Register.

(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 such list shall be *prima facie* proof that such Engineer is not a registered Engineer.

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

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7. No person shall unless he is a registered Engineer—

Restrictions on unregistered Engineers.

- (a) practise or carry on business as an Engineer under any name, style or title bearing the words "Engineer", "Civil Engineer", "Electrical Engineer", "Mechanical Engineer", "Structural Engineer" or bearing any other word whatsoever which may reasonably be construed to imply that he is a registered Engineer;
- (b) use or display any sign, board, card or other device representing or implying that he is a registered Engineer;
- (c) be entitled to recover in any Court any fee, charge or remuneration for any professional advice or services rendered as an Engineer.

8. (1) Every registered Engineer under Part A of the Register shall be entitled to submit plans or drawings to any person or authority in the Federation according to his qualifications.

Privileges and restrictions of registered Engineers.

(2) Notwithstanding the provisions of section 7, no registered Engineer under Part B of the Register shall be entitled to submit plans or drawings to any person or authority in the Federation unless such plans or drawings are in connection with equipment, plant or specialist products manufactured or sold by his employers or firm or in connection with his or his employers own engineering works and buildings according to his qualifications. For the purpose of this sub-section the expression "employers" does not include any person who is not directly engaged in the engineering business.

9. Every registered Engineer shall be subject to the provisions of this Act and rules made thereunder.

Registered Engineers subject to this Act, etc.

10. (1) Subject to the provisions of this Act the following persons shall be entitled to be registered under this Act:

Qualifications for registration.

- (i) any person who is a Corporate Member of the Institution of Engineers (Malaysia);
- (ii) any person who holds a qualification which the Board considers to be equivalent to corporate membership of the Institution of Engineers (Malaysia);
- (iii) subject to sub-section (2) any person who was practising or carrying on business as a Consulting Engineer immediately before the commencement of this Act.

(2) The Board shall register any person specified in paragraph (iii) of sub-section (1) if the application for registration is made within twelve months of the date of coming into force of this Act and it is satisfied that such person was practising or carrying on business as a Consulting Engineer immediately before the commencement of this Act.

Liability
not to be
limited.

11. No Engineer registered under Part A of the Register and no Engineer employed in private practice shall practise under the name of a limited company or under the protection of limited liability.

Application
for regis-
tration.

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

Certificate
of regis-
tration.

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

(2) Every such certificate of registration shall, subject to the provisions of 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 regis-
tration.

15. (1) Subject to the provisions of 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; or
- (b) if he offers or accepts any commission which in the opinion of the Board is an illicit commission; or
- (c) if whilst registered under Part A or employed in private practice he acts as a contractor or trades in engineering materials directly connected with his profession; or
- (d) if his registration under this Act has been obtained by fraud or misrepresentation; or
- (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; or

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(f) if he is found guilty by the Board of any act or conduct which in the opinion of the Board is infamous or disgraceful arising from the breach of the provisions of this Act or any rules made thereunder.

(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 such 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.

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

Certificates to be returned.

PART V

GENERAL

Appeal.

19. (1) Any person—

- (a) who has been refused registration by the Board; or
- (b) who has been registered but is dissatisfied with any restrictions imposed by the Board under paragraph (b) of section 4; 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 such 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 a 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 shall 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. A notice of appeal against an order of the Board referred to in section 19 shall be made 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.

23. The Appeal Board may proceed...

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

Procedure of Appeal Board.

24. Any person who—

Penalties for obtaining registration by false pretences, etc.

(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) willfully 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 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, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding two thousand dollars.

25. Any person who is guilty of an offence under this Act for which no other penalty is expressly provided is liable on conviction to a fine not exceeding two thousand dollars.

General penalty.

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

Rules.

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

Saving as to right of Government.

SCHEDULE

(Section 3 (6))

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;
- (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 sub-paragraph (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) The quorum of the Board shall be nine.

(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 rules 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.

*[Received the Royal Assent
on the 26th day of
September, 1967.]*

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