



**BOARD OF ENGINEERS
MALAYSIA**

CIRCULAR NO. 1/1992

GUIDELINES FOR LETTERS OF RELEASE

1. (1) This General Circular sets out guidelines in connection with Letter of Release in Regulation 31 of the Code of Professional Conduct of the Registration of Engineers Regulations 1990 of the Registration of Engineers Act 1967 (Revised 1987).

Regulation 31 of the Code of Professional Conduct reads as follows:

- "31. A Professional Engineer in private practice shall not directly or indirectly -
- (a) supplant or attempt to supplant another Professional Engineer in private practice;
 - (b) intervene or attempt to intervene in or in connection with engineering works of any kind which to his knowledge has already been entrusted to another Professional Engineer in private practice; or
 - (c) take over any work of that other Professional Engineer in private practice acting for the same client unless he has -

- (i) obtained the consent of that other Engineer;
or
 - (ii) been formally notified by the client that the services of that other Engineer have been terminated in accordance with the provisions of any contract entered into between that other Engineer and the client."
- (2) For the purpose of the Code of Professional Conduct and this General Circular the words "supplant", "intervene" and "take over" in the abovementioned Regulation 31 shall mean that the first Professional Engineer concerned must have entered into a contract (Note 1) with the client which contract has not been terminated.

(Note 1: The contract should have been in writing and may be in the form of exchange of correspondence or a formalised memorandum of agreement).

2. THE CIRCUMSTANCES WHEN A LETTER OF RELEASE IS UNNECESSARY.

- (1) When the client is no longer the registered owner of the property or project.
- (2) When the first Professional Engineer's engagement has been terminated by the client.
- (3) When the first Professional Engineer has commenced legal proceedings for the recovery of his fees.
- (4) When registration of the first Professional Engineer has either been suspended, cancelled or removed from the Register by the Board.
- (5) When the first Professional Engineer has terminated his appointment with the client.
- (6) When either the client or the first Professional Engineer has been declared insolvent and placed under receivership.

3. The procedure that must be followed in meeting the requirements of this guideline shall comprise the following steps:
- (1) The second Professional Engineer must have confirmation in writing from the client that the services of the first Professional Engineer have been terminated.
 - (2) If the client has not provided confirmation in writing that the services of the first Professional Engineer have been terminated, the second Professional Engineer shall enquire in writing from the first Professional Engineer whether his services have been terminated by the client. The first Professional Engineer shall respond to such an enquiry not later than 3 weeks from the date of the letter of enquiry. In the event that the first Professional Engineer does not reply within 3 weeks, it shall be deemed that his services have been terminated and the second Professional Engineer may proceed to take over the project. Any enquiry made in this connection shall be sent by registered post.

Made the 30 th October 1992
[BEM-162nd Meeting/28th April 1992]



TAN SRI DATO' IR. WAN A RAHMAN YAACOB
President
Board of Engineers, Malaysia