

CHAPTER 13.10 ENGINEERS (REGISTRATION) ACT

Revised Edition

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• Act • Subsidiary Legislation •

ACT

(Act 4 of 1985)

Act 4 of 1985 .. in force 16 March 1985

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Power to amend Schedule 1
 4. Registration
 5. Establishment of Registration Board
 6. Engineers Register
 7. Qualifications for registration
 8. Registration of persons with experience
 9. Factors not to be considered for registration
 10. Registered engineer entitled to practice
 11. Seal
 12. Practice of engineering by unregistered persons
 13. Document to be signed by registered engineer
 14. Partnerships, associations
 15. Improperly obtained registration
 16. Appeals
 17. Regulations
 18. Offences and penalties
 19. Professional misconduct
- Schedule 1
Schedule 2

CHAPTER 13.10 ENGINEERS (REGISTRATION) ACT

AN ACT to provide for the registration of engineers and for connected purposes.

Commencement [16 March 1985]

1. Short Title

This Act may be cited as the Engineers (Registration) Act.

2. Interpretation

In this Act—

"Board" means the Engineers Registration Board established by section 5;

"certificate" means a certificate granted under section 10;

"engineering" includes the doing of one or more acts of advising on, reporting on, designing of, supervising of or inspection of the construction of any of the works or operations or other matters set out in Schedule 1;

"Minister" means the Minister responsible for engineering matters;

"professional misconduct" means—

- (a) any act or omission in the carrying out of work of an engineer that shows a reckless or deliberate disregard of or indifference to the rights or safety of others;
- (b) the lack of adequate knowledge of, or continued neglect or failure to exercise the ordinary skills of an engineer;
- (c) conviction of an indictable offence, but does not include any political offence committed outside Saint Lucia or any offence that does not affect the fitness of an engineer to practice his or her profession;

"register" means the register of engineers kept by the Registrar in accordance with section 6;

"registered engineer" means a person registered in accordance with the provisions of this Act;

"Registrar" means the Registrar of the High Court.

3. Power to amend Schedule 1

The Minister may, on the recommendation of the Board, by order amend Schedule 1 by the addition or the deletion of any works, operations or other matters.

4. Registration

Subject to the provisions of this Act, a person shall not practice engineering in Saint Lucia unless he or she has been registered as an engineer in accordance with this Act and has received a certificate of registration under section 10.

5. Establishment of Registration Board

(1) For the purposes of this Act there is established a Board to be known as the Engineers Registration Board.

(2) The Board is a body corporate.

(3) The provisions of Schedule 2 have effect with respect to the Board.

6. Engineers Register

(1) The Registrar shall keep a register, to be known as the Engineers Register, in which he or she shall cause to be entered the name of every person whose registration has been duly approved by the Board and who has paid the prescribed fee.

(2) The register referred to in subsection (1) shall contain the following particulars in respect of each person—

- (a) his or her full name and address;
- (b) the date of his or her registration; and
- (c) a description and the date of the qualifications in respect of which he or she is registered.

(3) The register shall at all reasonable times be open to inspection at the office of the Registrar.

(4) The Registrar shall cause to be published in the Gazette—

- (a) in the month of February every year an alphabetical list of persons who have at 31 January in that year registered their names as engineers;
- (b) as soon as practicable after such registration, the name of any person registering his or her name as an engineer after 31 January in any year.

(5) The Registrar shall—

- (a) make necessary alterations in the register of the names or addresses of persons registered under this Act; and
- (b) remove from the register the names of all persons registered under this Act who are deceased or no longer entitled to practice engineering.

7. Qualifications for Registration

(1) Subject to section 8, a person is entitled to be registered as an engineer under this Act if, on application made to the Board, he or she satisfies the Board that—

- (a) he or she is qualified to be registered as an engineer; and
- (b) he or she is a fit and proper person to practice as an engineer.

(2) For the purposes of subsection (1) a person is qualified to be registered as an engineer if—

- (a) he or she has been awarded a degree in engineering by the University of the West Indies;
- (b) he or she has been awarded a degree, diploma or other qualification in engineering granted by a university or school of engineering that, in the opinion of the Board, is evidence of satisfactory training in engineering; and
- (c) he or she has had not less than 2 years experience in engineering, as may be approved by the Board.

(3) An application for registration shall be made to the Secretary of the Board in a form approved by the Board.

(4) A person who wishes to be registered under this Act must furnish to the Secretary of the Board—

- (a) evidence of his or her qualifications and experience;
- (b) proof of his or her identity; and
- (c) such other information as the Board requires in respect of the matters referred to in subsection (2).

8. Registration of persons with experience

(1) Despite section 7, any person who does not possess the qualification specified in that section but who, on application made to the Board within one year of the commencement of this Act, satisfies the Board that—

- (a) he or she has had before the commencement of this Act 10 years experience in the practice of engineering; and
- (b) he or she is a fit and proper person to be registered as an engineer,
is entitled to be registered as an engineer.

(2) In determining whether a person satisfies the requirements of subsection (1), the Board may conduct an investigation relating to the experience in engineering of that person as it considers necessary and may require that person to undergo a written or oral examination in engineering or both such written and oral examination.

(3) A decision of the Board with respect to the entitlement of a person to be registered under this section is final.

9. Factors not to be considered for registration

(1) In determining whether a person who applies for registration is duly qualified to be registered under this Act, the fact that he or she adopts or refrains from adopting, intends to adopt or refrain from adopting, the practice of any particular theory of engineering or applied science shall not be taken into consideration.

(2) Where a candidate submits to examination in order to entitle him or her to be registered under this Act, there shall not be imposed upon him or her an obligation to adopt or refrain from adopting the practice of any particular theory of engineering or applied science as a test or condition of admitting him or her to examination or registration under this Act.

10. Registered engineer entitled to practice

A person registered under this Act shall be entitled—

- (a) on payment of the prescribed fee to receive from the Registrar a certificate in the form approved by the Board to practice engineering in Saint Lucia; and
- (b) to use the title professional engineer or any abbreviation thereof against his or her name.

11. Seal

(1) A person registered under this Act shall have a seal of a design approved by the Board, the impression of which shall contain the name of the Engineer and the words "Registered Professional Engineer" and "Saint Lucia".

(2) All final drawings, specifications, plans, reports and other documents involving the practice of professional engineering when issued shall bear the signature and seal of the professional engineer who prepared or approved them.

12. practice of engineering by unregistered persons

This Act shall not—

- (a) prevent a person who is not an engineer from operating, executing or supervising any engineering works as owner, contractor, superintendent, foreman, technician, inspector or master, where the public interest and public safety are not likely to be affected; or
- (b) require any person referred to in paragraph (a) to become registered under this Act for the purpose of doing anything mentioned in paragraph (a).

13. Document to be signed by registered engineer

After the commencement of this Act a document required by any enactment to be signed by an engineer is not valid unless the person signing it is registered under this Act.

14. Partnerships, associations

A partnership, association or corporation may practice engineering in its own name if one of its main functions is to practice engineering and the practice is done under

the control and supervision of a member of the partnership or association or a director of the corporation who is a registered engineer.

15. Improperly obtained registration

(1) The Board may, if it considers that a person registered as an engineer has improperly obtained such registration, require that person to apply and to be properly registered under this Act.

(2) If for a period of 3 months a person who has improperly obtained registration under this Act fails without reasonable excuse to apply to be properly registered, the Registration Board may cause the name of that person to be struck off the Register.

16. Appeals

An appeal against any decision of the Board, other than a decision with respect to the entitlement of a person to be registered under section 8, shall lie to a judge in chambers, and every such appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by rules of court.

17. Regulations

(1) The Minister may, on the recommendation of the Board make regulations—

- (a) regulating the terms and conditions of service of engineers in Saint Lucia;
- (b) specifying what universities or schools are approved by the Board for the purpose of section 7(2);
- (c) prescribing the procedure to be followed in respect of disciplinary proceedings against engineers in relation to professional misconduct;
- (d) setting up for any period a disciplinary body to investigate and to adjudicate upon any allegation of professional misconduct on the part of an engineer and make recommendations thereon;
- (e) providing for the publication of the recommendations of any body set up under paragraph (d);
- (f) determining the constitution and membership and regulating the procedure of any body set up under paragraph (d), and providing for any other matter, which may be relevant to any such body or its functions;
- (g) carrying into effect generally the purposes of this Act and the purposes for which the Board is constituted.

(2) The Board may, subject to the approval of the Minister responsible for Finance, prescribe the fees payable to its members and to any examiners appointed by the Board.

18. Offences and penalties

(1) Subject to section 12 a person commits an offence who—

- (a) fraudulently procures or attempts to procure the registration under this Act of himself or herself or any other person by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing;
- (b) fraudulently makes, causes or permits to be made—
 - (i) any false or incorrect entry or copy of an entry in the register,
 - (ii) any alteration in any entry or copy of an entry in the register; or
- (c) not being a registered engineer—

- (i) practises engineering for which he or she demands or receives any fee, gratuity or remuneration,
- (ii) pretends to be a registered engineer,
- (iii) makes use of the title of Professional Engineer or any other name, title, designation or description, implying that he or she is a registered engineer or is entitled to be recognised or to practice as a registered engineer.

(2) A person who commits an offence under this Act is liable on summary conviction—

- (a) for a first offence to a fine of \$500 or to imprisonment for 2 months; and
- (b) for each subsequent offence, to a fine of \$1,000 or to imprisonment for 4 months.

(3) In any prosecution under subsection (1)(c), the absence of the name of the person charged from the list last published in the Gazette under section 6(4), is *prima facie* evidence that the person is not a registered engineer.

19. Professional misconduct

Where a registered engineer has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the regulations, impose on that engineer a fine of \$2,500.

Schedule 1

(Section 2)

ENGINEERING OPERATIONS

The following are engineering operations—

- (a) public utilities;
- (b) industrial works, harbour works, drainage works, irrigation works, sewerage works and sewerage disposal works, and hydraulic works;
- (c) industrial processes;
- (d) railways, tramways, bridges, tunnels, roads, highways, canals and river improvements;
- (e) lighthouses, wet docks, dry docks and floating docks;
- (f) cranes, dredges, hoists, lifts and winches;
- (g) waterworks, water purification plants;
- (h) incinerators;
- (i) power transmission systems, electric lighting and electrical or electronic communications systems and equipment;
- (j) any electrical apparatus or machinery;
- (k) electronics;
- (l) mineral property mining development or mineral operations of any kind;
- (m) smelters, refineries, metallurgical machinery or equipment or apparatus for carrying out such operation;
- (n) boilers and their auxiliaries;

- (o) steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures;
- (p) chemical machinery;
- (q) airports;
- (r) all ships of more than 50 tons gross, classified or unclassified, their propulsion unit and safety of life at sea equipment;
- (s) garages, hotels any industrial building to be used for any industrial purpose;
- (t) public buildings and places used for or offered for use as places for public assembly;
- (u) commercial domestic and other buildings which are more than 2 floors high or are greater than 240 square metres in area;
- (v) generally all other engineering works including the engineering works and installation relating to airports, airfields or landing strips or relating to town and community planning.

Schedule 2

(Section 5(3))

1. Appointment of committees

Subject to paragraph 3, the Board shall consist of the following members—

- (a) the Attorney General or his or her nominee;
- (b) one person appointed by the Minister;
- (c) four registered engineers appointed by the Minister on the recommendation of the Executive Committee of the Association of Professional Engineers of Saint Lucia.

However, in first Board constituted after the commencement of this Act, the 4 members nominated by the Association may not be registered engineers, but must be eligible for registration.

2. Appointment of committees

The Board may—

- (a) appoint such committees composed of members of the Board and of registered engineers not being members of the Board, for the proper carrying out of its functions; and
- (b) delegate to such committees appointed under paragraph (a) any of its functions as it considers necessary.

3. Tenure of office

(1) Members of the Board, other than the person appointed under paragraph 1(a) shall hold office for a term not exceeding 3 years, but are eligible for re-appointment.

(2) In the case of the first Board constituted after the commencement of this Act, the person appointed by the Minister under paragraphs (b) and (c), shall be appointed for a term of one year, and thereafter appointments shall be made in the manner otherwise provided in this Schedule.

4. Election and duties of chairperson

(1) The Board at its first meeting held after 1 January in each year shall elect one of its members to be chairperson for a term of one year, and that member shall be eligible for re-election as chairperson.

(2) The chairperson shall have a second or casting vote.

(3) The chairperson shall preside at all meetings of the Board.

(4) If at any meeting of the Board the chairperson is not present the members present shall elect one of their members to act as chairperson at that meeting.

(5) The chairperson appointed each year shall hold office until his or her successor is elected, or for such lesser period as he or she remains a member of the Board.

(6) If the chairperson ceases to be a member of the Board before the expiration of the period for which he or she has been elected, the Board shall elect some other member in his or her place to be chairperson for the remainder of that period.

5. Appointment of secretary and other officers

The Board may appoint a secretary and such other officers and servants as it may deem necessary for the purpose of carrying out its functions under this Act.

6. Registration of members of the Board

(1) Any member of the Board other than the chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson, and from one month after the date of the receipt by the Minister of the instrument that member shall cease to be a member of the Board.

(2) The chairperson may at any time resign his or her office by instrument in writing addressed to the Minister, and such resignation shall take effect as from one month after the date of the receipt of such instrument by the Minister.

7. Temporary Appointments

In the absence or inability to act of any member, the Minister may appoint any person to act temporarily in place of such member, and such temporary appointment shall be made in the same manner and from the same category of persons if any, as the appointment of such member.

8. Vacancies

If a vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed.

9. Quorum

At any meeting of the Board 3 members constitute a quorum.

CHAPTER 13.10 ENGINEERS (REGISTRATION) ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Engineers Regulations – Section 17

2. Engineers Registration (Fees) Regulations – Section 17

Engineers Regulations – Section 17

(Statutory Instrument 23/1989)

Statutory Instrument 23/1986 .. in force 22 March 1986

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Interpretation
 3. Meetings of Engineers Registration Board
 4. Affixing of Signature to Seal
 5. Disciplinary Committee
 6. Termination of Membership
 7. Advice to Committee
 8. Validity of Proceedings
 9. Vacancy
 10. Disciplinary Proceedings
 11. Evidence
 12. Failure to attend Inquiry
 13. Adjournments
 14. Witnesses
 15. Additional Witnesses
 16. Dismissal of Charge
 17. Report of Proceedings
 18. Punishment
 19. Written Record
 20. Dissolution
 21. Member to Furnish Information
- Schedule 1

ENGINEERS REGULATIONS – SECTION 17

Commencement [22 March 1986]

1. Citation

These Regulations may be cited as the Engineers Regulations.

2. Interpretation

In these Regulations—

“**Act**” means the Engineers (Registration) Act;

“**Association**” means the Association of Professional Engineers of Saint Lucia;

“**Board**” means the Engineers Registration Board established by section 5 of the Act;

“**Committee**” means the Disciplinary Committee established by regulation 6.

3. Meetings of Engineers Registration Board

(1) The Board shall meet at least once every 3 months, and at such other times as are necessary for the transaction of its business, at such place and time as the Board determines.

(2) The chairperson of the Board shall summon a special meeting thereof to be held not later than 14 days after he or she receives a written request for the purpose signed by 3 members of the Board.

(3) Where the chairperson of the Board summons a special meeting, he or she shall give to members of the Board not less than 7 days notice in writing of the meeting.

(4) The Secretary shall keep minutes of all meetings of the Board and furnish each member of the Board with copies thereof not later than 21 days after the date on which the meeting was held.

(5) The order of business of the Board shall be such as the Board may determine.

4. Affixing of Signature to Seal

(1) A registered engineer who prepares or approves any final drawings, specifications, plans, reports or any other Engineering documents shall, before he or she issues such documents affix thereto his or her signature and his or her Seal.

(2) A registered engineer who fails to comply with paragraph (1) may be subject to disciplinary proceedings.

5. Disciplinary Committee

(1) The Board shall appoint a Committee to be known as the Disciplinary Committee consisting of—

- (a) the chairperson of the Board;
- (b) two other members of the Board; and
- (c) two registered engineers to be nominated by the Association.

(2) At least 2 members of the Committee shall be Registered Engineers of at least 10 years experience in engineering.

(3) The chairperson of the Board shall act as chairperson of the disciplinary Committee. If the chairperson is unable to preside as a result of conflict of interest or otherwise, the Committee shall choose any one of their members to be chairperson.

6. Termination of Membership

(1) Any member of the Committee may resign from the Committee by letter addressed to the secretary.

(2) The Board may, by instrument in writing, terminate the appointment of any member of the Committee for reasons which in the opinion of the Board are not conducive to the proper functioning of the Committee. In the case of the nominee of the Association, a copy of the instrument shall be sent to the Association informing them of the reasons.

7. Advice to Committee

The Committee in its deliberations may seek advice from such persons as it thinks fit.

8. Validity of Proceedings

The Committee may act despite any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by any vacancy in its membership or any defect in the appointment of a member.

9. Vacancy

(1) The office of a member of the Committee shall become vacant—

- (a) if he or she is absent from 2 successive meetings of the Committee without reasonable excuse; or
- (b) if he or she ceases to be a member of the Committee under regulation 6.

(2) All vacancies arising amongst members of the Committee shall be filled by the Board.

10. Disciplinary Proceedings

(1) Where a complaint alleging professional misconduct or a disregard of the code of ethics, as appended, is made to the Board against a registered engineer, the Board may—

- (a) determine that no inquiry be held or disciplinary proceedings be instituted; or
- (b) appoint a committee to institute disciplinary proceedings against the engineer.

(2) Where the Board determines that no proceedings are to be instituted, the secretary shall so inform all parties in such manner as the Board directs.

(3) Where the Board institutes disciplinary proceedings against a registered engineer the Board shall serve on that engineer and on every complainant a notice of inquiry.

(4) The notice of inquiry must state the charge against the engineer and the time and place at which the inquiry is to be held.

(5) Except with the consent of the engineer against whom disciplinary action is instituted, an inquiry shall not be fixed for a date earlier than 28 days after the date of the notice.

(6) The notice of inquiry shall be served personally or by registered post on the engineer against whom disciplinary action is instituted at the address shown on the Register or at his or her last known address if that address differs from the address on the Register.

11. Evidence

(1) At the hearing of a complaint before the Committee every party to the complaint may adduce evidence and call witnesses.

(2) The engineer against whom disciplinary action is instituted is entitled to receive copies of or to be allowed access to any documentary evidence, during the inquiry and upon request, shall be given a copy of the report of the proceedings after the inquiry is closed.

12. Failure to attend Inquiry

Where a person who is served with a notice of inquiry under regulation 11(3) or with a summons in the form set out in Schedule 1 fails without reasonable excuse to appear at the date fixed for the inquiry the Committee may, if satisfied that the notice or summons has been duly served, proceed with the inquiry in his or her absence.

13. Adjournments

- (1) The Committee may at any time adjourn a hearing.
- (2) Where the Committee adjourns a hearing under paragraph (1) it may—
 - (a) fix the time and the place at which the hearing is to be resumed;
 - or
 - (b) adjourn the hearing *sine die*.

(3) A hearing adjourned *sine die* shall not be resumed unless the Committee is satisfied that the parties involved have had adequate notice of the time and place set for its resumption.

14. Witnesses

Where witnesses are examined by the Committee, the person charged shall be given an opportunity of cross-examining the witnesses and no evidence shall be used against him or her unless he or she has been given notice thereof.

15. Additional Witnesses

The engineer against whom disciplinary action is instituted and the Committee may, in any proceedings, call additional witnesses.

16. Dismissal of Charge

Where the Committee is of the opinion that the evidence adduced against an engineer is insufficient it may dismiss the charge without calling for a defence.

17. Report of Proceedings

- (1) The Committee shall, within 28 days of the conclusion of the hearing of a complaint, submit to the Board in writing a report of the proceedings.
- (2) A report submitted under subregulation (1) shall contain the recommendations and findings of the Committee.

18. Punishment

- (1) Where the Board is satisfied that an engineer commits professional misconduct it may—
 - (a) reprimand him or her;
 - (b) suspend his or her registration for a period not exceeding 12 months;
 - (c) cause his or her name to be removed from the register; or
 - (d) take such action as it may deem necessary.
- (2) The Board shall inform the Registrar in writing of the names of the persons whose names are to be removed from the Register under subregulation (1).
- (3) Where the name of an engineer is removed from the Register under subregulation (1), the Registrar shall, cause a notice of such removal to be published in the Gazette, not later than the second issue, after the removal.

19. Written Record

The Board shall—

- (a) cause a written record of its decision with respect to a complaint made against a registered engineer to be transmitted to him or her within 14 days of such decision;
- (b) cause a record of all proceedings before it to be kept; and
- (c) make available, on written request, a report of the Committee to any registered engineer.

20. Dissolution

After the Board has determined any charge against an engineer and has complied with regulations 19(a) and 19(b), the Committee appointed to hear the said charge shall be dissolved.

21. Member to Furnish Information

(1) If the Board deems it necessary, any member of the Committee which has been dissolved in accordance with regulation 20 may be called upon to furnish information pertaining to the charge.

(2) If any member of the Committee so dissolved is called upon by the Board to furnish information pertaining to a complaint it shall be his or her duty to submit the information within 14 days of the request.

Schedule 1

SUMMONS

IN THE MATTER OF:

To:

You are summoned to attend before the Committee appointed by the Engineers Registration Board at a hearing to be held at in the of on day, the day of 20 at the hour of a.m./p.m., and so on from day to day until the hearing is concluded, to give evidence touching the matters in question in the proceedings and to bring with you and produce at the time and place

.....

Dated this day of 20

Issued by:

Failure to obey this Summons may lead to imprisonment on an application to the High Court of Saint Lucia.

CODE OF ETHICS

A professional engineer—

1. owes certain duties to the public, to his or her employers, to other members of his or her profession and to himself or herself and shall act at all times with—

- (a) fidelity to public needs;
- (b) fairness and loyalty to his or her associates, employers, clients, subordinates and employees; and
- (c) devotion to high ideals of personal honour and professional integrity.

2. shall express opinions on engineering matters only on the basis of adequate knowledge and honest conviction;

3. shall have proper regard for the safety, health and welfare of the public in the performance of his or her professional duties;
4. shall endeavour to extend public understanding of engineering and its place in society;
5. shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity, or which does not conform to the basic principles of the code;
6. shall sign and/or seal only those plans, specifications and reports actually prepared by him or her or under his or her direct professional supervision;
7. shall act for his or her client or employer as a faithful agent or trustee;
8. shall not disclose confidential information pertaining to the interests of his or her clients or employers without their consent;
9. shall present clearly to his or her clients or employers the consequences to be expected if his or her professional judgment is overruled by non-technical authority in matters pertaining to work for which he or she is professionally responsible;
10. shall not undertake any assignment which may create a conflict of interest with his or her clients or employers without the full knowledge of his or her clients or employers;
11. shall not accept remuneration for services rendered other than from his or her client or employer;
12. shall conduct himself or herself towards other professional engineers with courtesy, fairness and good faith;
13. shall undertake only such work as he or she is competent to perform by virtue of his or her training and experience;
14. shall not compete unfairly with another engineer by attempting to obtain employment, advancement or professional engagements by competitive bidding, by taking advantage of a salaried position or by criticising other engineers;
15. shall not advertise his or her work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession;
16. shall advise his or her Association or Institution or the Council of any practice by another professional engineer which he or she believes to be contrary to the code of ethics.

GUIDE TO PRACTICE UNDER THE CODE OF ETHICS

General

ARTICLE 1

A professional engineer owes certain duties to the public, to his or her employers, to other members of his or her profession and to himself or herself and shall act at all times with—

- (a) fidelity to public needs;
- (b) fairness and loyalty to his or her associates, employers, clients, subordinates and employees; and
- (c) devotion to high ideals of personal honour and professional integrity.

DUTIES OF THE PROFESSIONAL ENGINEER TO THE PUBLIC

A Professional Engineer

ARTICLE 2

shall express opinions on engineering matters only on the basis of adequate knowledge and honest conviction—

- (a) he or she shall ensure, to the best of his or her ability, the statements on engineering matters attributed to him or her are not misleading and properly reflect his or her professional opinion;
- (b) he or she shall not express publicly or while he or she is serving as a witness before a court, commission or other tribunal opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction.

ARTICLE 3

shall have proper regard for the safety health and welfare of the public in the performance of his or her professional duties—

- (a) he or she shall notify the proper authorities of any situation which he or she considers, on the basis of his or her professional knowledge, to be a danger to public safety or health;
- (b) he or she shall complete, sign or seal only those plans and/or specifications which reflect proper regard for the safety and health of the public.

ARTICLE 4

shall endeavour to extend understanding of engineering and its place in society—

- (a) he or she shall endeavour at all times to enhance the public regard for, and its understanding of his or her profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering;
- (b) he or she shall not give opinions or make statements on professional engineering projects connected with public policy where such statements are inspired or paid for by private interests unless he or she clearly discloses on whose behalf he or she is giving the opinions or making the statements.

ARTICLE 5

shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity, or persons who do not conform to the basic principles of the code—

- (a) he or she shall conform with registration laws in his or her practice of engineering;
- (b) he or she shall not sanction the publication of his or her reports in part or in whole in a manner calculated to mislead and if it comes to his or her knowledge that they are so published, he or she shall take immediate steps to correct any false impressions given by them.

ARTICLE 6

shall sign and/or seal only those plans, specifications and reports actually prepared by him or her or under his or her direct professional supervision.

DUTIES OF THE PROFESSIONAL ENGINEER TO HIS OR HER CLIENT OR EMPLOYER

A Professional Engineer

ARTICLE 7

shall act for his or her client or employer as a faithful agent or trustee—

- (a) he or she shall be realistic and honest in all estimates, reports, statements and testimony;
- (b) he or she shall admit and accept his or her own errors when proven obviously wrong and refrain from distorting or altering the facts in an attempt to justify his or her decision;
- (c) he or she shall not accept outside employment to the detriment of his or her regular work or interest, or without the consent of his or her employer;
- (d) he or she shall advise his or her client or employer when he or she believes a project will not be successful;
- (e) he or she shall not attempt to attract an engineer from another employer by unfair methods;
- (f) he or she shall engage, or advise engaging, experts and specialists when such services are in his or her client's or employer's best interest.

ARTICLE 8

shall not disclose confidential information pertaining to the interests of his or her clients or employers without their consent—

- (a) he or she shall not use information coming to him or her confidentially in the course of his or her assignment as a means of making personal gain except with the knowledge and consent of his or her client or employer;
- (b) he or she shall not divulge, without official consent, any confidential findings resulting from studies or actions of any commission or board of which he or she is a member or for which he or she is acting.

ARTICLE 9

shall present clearly to his or her clients or employers the consequences to be expected if his or her professional judgment is overruled by non-technical authority in matters pertaining to work for which he or she is professionally responsible.

ARTICLE 10

shall not undertake any assignment which may create a conflict of interest with his or her clients or employers without the full knowledge of his or her clients or employers—

- (a) he or she shall inform his or her client or employer of any business connections, interests, or circumstances which may be deemed as influencing his or her judgment or the quality of his or her services to his or her client or employer;
- (b) when in public service as a member, advisor or employee of a governmental body or department, he or she shall not participate in considerations or actions with respect to services provided by him or her or his or her organisation in private engineering practice;
- (c) he or she shall not solicit or accept an engineering contract from a government body on which a principal or officer of his or her organisation services as a member.

ARTICLE 11

he or she shall not accept remuneration for services rendered other than from his or her client or employer—

- (a) he or she shall not accept compensation from more than one interested party for the same service or for services pertaining to the same work, without the consent of all interested parties;
- (b) he or she shall not accept any royalty or commission on any article or process used on the work for which he or she is responsible without the consent of his or her client or employer;
- (c) he or she shall not undertake work at a fee or salary below the accepted standards of the profession in the area;
- (d) he or she shall not tender on competitive work upon which he or she may be acting as a consulting engineer;
- (e) he or she shall not act as consulting engineer in respect of any work upon which he or she may be the contractor.

DUTIES OF THE PROFESSIONAL ENGINEER TO THE PROFESSION

A Professional Engineer

ARTICLE 12

shall conduct himself or herself towards other professional engineers with courtesy, fairness and good faith—

- (a) he or she shall not accept any engagement to review the work of another professional engineer for the same employer or client except with the knowledge of such engineer, unless such engineer's engagement on the work has been terminated;
- (b) he or she shall not maliciously injure the reputation or business of another professional engineer.

ARTICLE 13

shall not compete unfairly with another engineer by attempting to obtain employment, advancement or professional engagements by competitive bidding, by taking advantage of a salaried position, or by criticising other engineers—

- (a) he or she shall not attempt to supplant another engineer in a particular employment after becoming aware that definite steps have been taken toward the other's employment.
- (b) he or she shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure professional engineering work;
- (c) he or she shall not solicit or submit engineering proposals on the basis of competitive bidding;
- (d) he or she shall not use equipment, supplies, laboratory, or office facilities of his or her employer to carry on outside private practice without consent.

ARTICLE 14

shall undertake only such work as he or she is competent to perform by virtue of his or her training and experience and he or she shall not misrepresent his or her qualifications.

ARTICLE 15

shall not advertise his or her work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession circumspect advertising may be properly employed by the engineer to announce his or her practice and availability. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another engineer, either specifically or by implication.

ARTICLE 16

shall advise his or her Association or Institution or the Council of any practice by another professional engineer which he or she believes to be contrary to the Code of Ethics.

Engineers Registration (Fees) Regulations – Section 17

(Statutory Instrument 49/1987)

Statutory Instrument 49/1987 .. in force 15 June 1987

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Interpretation
 3. Fees
- Schedule

ENGINEERS REGISTRATION (FEES) REGULATIONS – SECTION 17

Commencement [15 June 1987]

1. Citation

These Regulations may be cited as the Engineers Registration (Fees) Regulations.

2. Interpretation

In these Regulations “**Act**” means the Engineers (Registration) Act.

3. Fees

There shall be paid to the Registrar of the High Court the fees specified in the second column of the Schedule in respect of the matters set out in the first column thereof.

Schedule

FIRST COLUMN	SECOND COLUMN
Registration of engineer	\$30
Issue of certificate of registration	\$20
