



REGISTRATION OF ENGINEERS ACT 1967

(Incorporating amendments up to 2015)

**LEMBAGA JURUTERA MALAYSIA
BOARD OF ENGINEERS MALAYSIA**

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Act 138

REGISTRATION OF ENGINEERS ACT 1967
(Revised – 2015)ARRANGEMENT OF SECTIONSPART I
PRELIMINARY*Section*

1. Short title and commencement.
2. Interpretation.

PART II
BOARD OF ENGINEERS

3. Establishment of Board of Engineers.
4. Functions of the Board.

PART III
REGISTRATION OF ENGINEERS

5. Register.
6. Appointment and duties of Registrar.
7. Restrictions on unregistered persons, Graduate Engineers, *etc.*
- 7A. Engineering consultancy practice.
- 7B. A body corporate providing a combination of services comprising professional engineering services, architectural consultancy services or quantity surveying services.
8. Only Professional Engineer with Practising Certificate and Engineering consultancy practice may submit plans, drawing, *etc.*
- 8A. Plan or drawing which a Professional Engineer may submit.
9. (*Deleted by Act A1479.*)
10. Qualifications for registration.
- 10A. (*Deleted by Act A1479.*)
- 10B. Registration of Accredited Checker.
- 10C. Registration of Engineering Technologist.
- 10D. Registration of Professional Engineer with Practising Certificate.
- 10E. Registration of Inspector of Works.
11. (*Repealed by Act A132.*)

Section

- 12. Application for registration.
- 13. Certificate of registration.
- 14. Notification of change of address.

PART IIIA
DISCIPLINARY COMMITTEE

- 14A. Establishment of Disciplinary Committee.
- 14B. Powers of Disciplinary Committee.
- 14C. Proceedings of the Disciplinary Committee.

PART IV
CANCELLATION, REMOVAL, REINSTATEMENT, *ETC.*

- 15. Cancellation of registration, *etc.*
- 16. Removal from Register.
- 17. Reinstatement.
- 18. Certificates to be returned.

PART V
GENERAL

- 19. Appeal.
- 20. Appeal Board.
- 21. Tenure of office of members of the Appeal Board.
- 22. Procedure of appeal.
- 23. Procedure of Appeal Board.
- 24. Penalties for obtaining registration by false pretences, *etc.*
- 24A. Restriction on employment of unregistered person to provide professional engineering services.
- 24B. Investigating Committee and its powers.
- 25. General Penalty.
- 26. Regulations.
- 26A. Authorization by President.
- 27. Saving as to right of Government.
- 28. Indemnity.
- 29. Appointment of advocate and solicitor.

SCHEDULE

SECOND SCHEDULE (*Deleted by Act A1479.*)

LIST OF AMENDMENTS

LIST OF SECTIONS AMENDED

Act 138

REGISTRATION OF ENGINEERS ACT 1967
(Revised – 2015)

An Act to provide for the registration of engineers, and sole proprietorships, partnerships and bodies corporate providing professional engineering services and for purposes connected therewith.

[23 August 1972, P.U. (A) 253/1972]

PART I

PRELIMINARY

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|----|-----|---|--------------------------------------|
| 1. | (1) | This Act may be cited as the Registration of Engineers (Amendment) Act 2015. | Short title and commencement. |
| | (2) | <i>(Omitted)</i> | |
| | (3) | This Act comes into operation on a date to be appointed by the Minister by notification in the <i>Gazette</i> . | |
| 2. | | In this Act unless the context otherwise requires - | Interpretation. |
| | | "Accredited Checker" means a person registered under section 10B; | [Act A1158] |
| | | "appointed date" means the date appointed for the commencement of this Act; | [Act A132] |
| | | "Architect" has the same meaning assigned to it in the Architects Act 1967 [Act 117]; | [Act A1479] |
| | | "architectural consultancy practice" has the meaning assigned to it in the Architects Act 1967 [Act 117]; | [Act A1158] |
| | | "Board" means the Board of Engineers established by subsection 3(1); | |
| | | "body corporate providing professional engineering services" means a body corporate, incorporated under the Companies Act 1965 [Act 125], which provides professional engineering services; | [Act A1158] |
| | | "Engineering consultancy practice" means a sole proprietorship, partnership or body corporate, providing professional engineering services, registered under section 7A or 7B; | [Act A1158] |
| | | "Engineering Technologist" means a person registered under section 10C; | [Act A1479] |
| | | "Engineering works" means all works which include any publicly or privately owned public utilities, buildings, machines, equipment, processes, works or projects that require the application of engineering principles and data; | [Act A1479] |
| | | "Graduate Engineer" means a person registered under subsection 10(1); | [Act A1158] |
| | | "Inspector of Works" means a person registered under section 10E; | [Act A1479] |
| | | "Minister" means the Minister for the time being charged with the responsibility for matters relating to works; | [Act A1288] |

“Practising Certificate” means a certificate issued by the Board to a Professional Engineer under section 10D; [Act A1479]

"prescribed" means prescribed by regulations made under section 26;

"Professional Engineer" means a person registered under subsection 10(2); [Act A1158]

“Professional Engineer with Practising Certificate” means a person registered under section 10D; [Act A1479]

“Professional Quantity Surveyor” has the same meaning assigned to it in the Quantity Surveyors Act 1967 [Act 438]; [Act A1479]

"professional engineering services" means engineering services and advice in connection with any feasibility study, planning, survey, design, construction, commissioning, operation, maintenance and management of engineering works or projects and includes any other engineering services approved by the Board; [Act A1158]

"Register" means the Register kept and maintained under section 5;

“registered Engineer” means a Graduate Engineer, Professional Engineer, Professional Engineer with Practising Certificate or Accredited Checker; [Act A1479]

“registered Person” means a registered Engineer, Engineering Technologist or Inspector of Works; [Act A1479]

"Registrar" means the Registrar of Engineers appointed under subsection 6(1); [Act A1158]

PART II

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. **Establishment of Board of Engineers.**
- (2) The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister: [Act A1158]
- (a) a President who shall be a Professional Engineer or a Professional Engineer with Practising Certificate; [Act A1479]
- (b) not more than fourteen members who shall be Professional Engineers and Professional Engineers with Practising Certificates, five of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia); [Act A1479]
- (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 A1158]
- (d) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Quantity Surveyors Act 1967. [Act A1158]
- (2A) *[Deleted]* [Act A1158]
- (3) The members of the Board referred to in paragraph (2)(b) shall consist of the following: [Act A132]

- (a) three Professional Engineers and two Professional Engineers with Practising Certificate who are in the public service of the Federation; [Act A1479]
- (b) not more than two Professional Engineers who are in the service of any local authority or statutory authority; [Act A1158]
- (c) not more than five Professional Engineers with Practising Certificates who are employees, sole proprietors, partners or directors of an engineering consultancy practice; and [Act A1479]
- (d) a Professional Engineer and a Professional Engineer with Practising Certificate who are employees of any person or body of persons, not being in the public service of the Federation or in the service of any local authority or statutory authority. [Act A1479]
- (3A) Where the Council of the Institution of Engineers (Malaysia) referred to in paragraph (2)(b) does not submit a nomination list within thirty days before the expiry of the term of office of the five members of the Board nominated by the Council of the Institution of Engineers (Malaysia), the Minister shall appoint any person qualified as a member of the Board. [Act A1479]
- (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 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. [Act A132]
- (7) The provisions of the Schedule shall have effect with respect to the Board. [Act A1479]
- (8) The Minister, may by order published in the *Gazette*, amend the Schedule. [Act A1479]
- 4. (1) The functions of the Board shall be -** **Functions of the Board.**
- (a) to keep and maintain the Register; [Act A662]
- (b) to approve or reject applications for registration under this Act or to approve any such application subject to such conditions or restrictions as it may deem fit to impose; [Act A1158]
- (c) to order the issuance of a written warning or reprimand, the imposition of a fine, suspension, cancellation, removal or reinstatement in accordance with Parts III and IV; [Act A1158]
- (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by registered Engineers and Engineering consultancy practices for professional engineering services rendered; [Act A1158]
- (e) to hear and determine disputes relating to professional conduct or ethics of registered Persons or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes; [Act A1479]
- (ea) to act as a stakeholder in a contract for professional engineering services, when requested; [Act A1158]

- (*eb*) to employ any person, as it deems necessary, to assist the Board in carrying out its functions, powers and duties subject to such terms and conditions as it may determine; [Act A1158]
- (*ec*) to provide facilities for the promotion of learning and education and to hold or cause to be held professional development programmes, including continuing professional development programmes, for registered Persons to further enhance their knowledge in the latest developments relating to that profession; [Act A1479]
- (*ed*) to appoint a committee consisting of persons to be determined by the Board — [Act A1479]
- (i) to conduct professional assessment examinations for the purpose of admission as a Professional Engineer; or [Act A1479]
- (ii) to conduct professional competency examinations for the purpose of issuing a Practising Certificate to the Professional Engineer; [Act A1479]
- (*ee*) to appoint any person to represent the Board in any committee, panel or institution, where that person would subsequently make recommendations to the Board on all matters regarding the qualifying for admission to the profession; [Act A1158]
- (*ef*) to appoint a body consisting of members from the Board, Professional Engineers and other persons as may be determined by the Board to advise the Government and the public on matters relating to engineering education, including the certification of such programmes; [Act A1288]
- (*eg*) to cause examinations to be conducted by an institution recognized by the Board for the purpose of admission to the profession; [Act A1479]
- (*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.
- (2) Without prejudice to the general powers conferred by subsection (1) the Board shall have power - [Act A662]
- (*a*) to purchase or lease any land or building required for any of the purposes of the Board; [Act A662]
- (*b*) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (*a*); and [Act A662]
- (*c*) to lease out, dispose, or otherwise deal in any immovable property of the Board. [Act A662]

PART III

REGISTRATION OF ENGINEERS, ENGINEERING TECHNOLOGISTS AND INSPECTORS OF WORKS

5. (1) The Register shall contain the following: **Register.** [Act A1479]
- (*a*) Part A - which shall contain the names, addresses and other particulars of Professional Engineers; [Act A1158]

- (b) Part B - which shall contain the names, addresses and other particulars of Graduate Engineers; [Act A1158]
- (c) [Deleted] [Act A1479]
- (d) Part D – which shall contain the names, addresses and other particulars of Engineering consultancy practices; [Act A1479]
- (e) Part E - which shall contain the names, addresses and other particulars of Accredited Checkers; [Act A1479]
- (f) Part F – which shall contain the names, addresses and other particulars of Professional Engineers with Practising Certificates; [Act A1479]
- (g) Part G – which shall contain the names, addresses and other particulars of Engineering Technologists; and [Act A1479]
- (h) Part H – which shall contain the names, addresses and other particulars of Inspectors of Works. [Act A1479]
- (2) There shall be indicated against the name of each registered Person or Engineering consultancy practice kept in the Register the branch or branches of engineering in which he or it is qualified to practise and particulars of any conditions or restrictions imposed by the Board under subsection 7A(3) or 7B(1), section 10C, 10D or 10E, or paragraph 4(1)(b). [Act A1479]
- 6.** (1) The Minister may appoint a Registrar of Engineers who shall be under the general direction of the Board and who shall sign all certificates of registration and their renewal, and orders of the Board or Disciplinary Committee, and record all entries of registration, suspension, cancellation, removal and reinstatement in the Register. **Appointment and duties of Registrar.** [Act A1288]
- (2) The Registrar shall publish in the *Gazette* or at least two national newspapers, in the national language and the English language, or by any other media including electronic media as the Board may deem fit, the name, registration number and other particulars of – [Act A1479]
- (a) a registered Person whose registration has been - [Act A1479]
- (i) by an order of the Disciplinary Committee - [Act A1288]
- (A) suspended under subsection 15(3) or paragraph 15(1A)(c); or [Act A1158]
- (B) cancelled under paragraph 15(1A)(d); [Act A1158]
- (ii) removed under section 16; or [Act A1158]
- (iii) reinstated under section 17; or [Act A1158]
- (b) an Engineering consultancy practice whose registration has been - [Act A1158]
- (i) by an order of the Board - [Act A1158]
- (A) suspended under subsection 15(3) or paragraph 7A(5)(cc); or [Act A1158]
- (B) cancelled under subsection 7B(3) or paragraph 7A(5)(dd); [Act A1158]
- (ii) removed under section 16; or [Act A1158]
- (iii) reinstated under section 17 or subsection 7A(8). [Act A1158]

- (2A) The publication under subsection (2) shall be made - [Act A1158]
- (a) as soon as possible after the order of the Board or Disciplinary Committee is made, if there is no appeal to the Appeal Board against that order; or [Act A1288]
- (b) as soon as possible after the order of the Board or Disciplinary Committee is confirmed by the Appeal Board, if there is an appeal filed against that order. [Act A1288]
- (3) In any proceedings, a certificate of registration shall be conclusive proof that the person, sole proprietorship, partnership or body corporate named in it is a registered Person or an Engineering consultancy practice. [Act A1479]
- (4) The Registrar may annually publish and offer for sale copies of the Register.
- 7. (1) No person shall, unless he is a Professional Engineer-** [Act A1158]
- Restrictions on unregistered persons, Graduate Engineers, etc.** [Act A1158]
- (a) take up employment which requires him to carry out or perform professional engineering services; [Act A1479]
- (aa) be entitled to describe himself or hold himself out under any name, style or title - [Act A1158]
- (i) bearing the words "Professional Engineer" or the equivalent thereto in any other language; [Act A1158]
- (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Engineer; or [Act A1158]
- (iii) using the abbreviation "Ir." before his name or the abbreviation "P.Eng." after his name or in any way in association with his name; [Act A1158]
- (b) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer; or [Act A1479]
- (c) *[Deleted]* [Act A1479]
- (d) use the stamp as may be determined by the Board. [Act A1479]
- (1A) A person shall not, unless he is a Professional Engineer with Practising Certificate – [Act A1479]
- (a) practise, carry on business or take up employment which requires him to carry out or perform professional engineering services for designated engineering works subject to section 8; [Act A1479]
- (b) be entitled to describe himself or hold himself out under any name, style or title - [Act A1479]
- (i) bearing the words "Professional Engineer with Practising Certificate" or equivalent in any other language; or [Act A1479]
- (ii) bearing any other words in any language which may reasonably be construed to imply that he is a Professional Engineer with Practising Certificate; [Act A1479]
- (c) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer with Practising Certificate; [Act A1479]

- (d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered subject to section 8; or [Act A1479]
- (e) use the stamp as may be determined by the Board. [Act A1479]
- (1B) A person shall not, unless he is a Graduate Engineer or Engineering Technologist, be entitled to describe himself or hold himself out under any name, style or title using the abbreviation “Grad.Eng.” or “Eng.Tech.” after his name or in any way associate with his name. [Act A1479]
- (2) Notwithstanding subsections (1) and (1A) - [Act A1479]
- (a) a Graduate Engineer who is registered with the Board may, subject to section 8, take up employment which requires him to perform professional engineering services; [Act A1479]
- (aa) an Engineering Technologist who is registered with the Board may, subject to section 8, take up employment which requires him to perform professional engineering services; [Act A1479]
- (ab) an Inspector of Works who is registered with the Board may, subject to section 8, take up employment which requires him to assist the Professional Engineer in the supervision of engineering works; and [Act A1479]
- (b) a person who is a Professional Engineer by virtue of paragraph 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 any time after that date, so practise unless – [Act A1158]
- (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) Where a person holds a certificate - [Act A218]
- (a) issued under the Electricity Supply Act 1990 [Act 447], the Factories and Machinery Act 1967 [Act 139] or any other written law or any regulations made thereunder, certifying him to possess a qualification prescribed for the purposes of those Acts or other written law; or [Act A218]
- (b) issued by any person, body, authority or institution specified from time to time by the Board by notification in the *Gazette*, certifying him to hold a qualification for the purposes of any vocation, [Act A218]
- nothing in subsection (1) shall prohibit such person - [Act A218]
- (c) to carry on any practice or business or take up any employment that requires the certificate or that is authorised or enabled thereby to be carried on or taken up; [Act A218]
- (d) to do so under whatever name or title he may use by virtue of being the holder of the certificate; or [Act A218]
- (e) to recover in any Court any fee, charge, remuneration or other form of consideration for any advice or services rendered pursuant to his practice, business or employment carried on or taken up by virtue of the certificate, [Act A1158]
- subject to such restrictions as may be imposed in the certificate. [Act A218]

- 7A.** (1) Notwithstanding subsections 7(1) and (1A), a sole proprietorship, partnership or body corporate may practise as an Engineering consultancy practice and recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered by it pursuant to its practice as an Engineering consultancy practice carried on by virtue of this section, if it is registered with the Board as an Engineering consultancy practice and has been issued with a certificate of registration. **Engineering consultancy practice.**
[Act A1479]
- (2) Every application by a sole proprietorship, partnership or body corporate for registration as an Engineering consultancy practice shall be made to the Board in the prescribed form and manner and shall be accompanied by the prescribed fee. [Act A1158]
- (3) The Board shall register a sole proprietorship, partnership or body corporate as an Engineering consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if – [Act A1158]
- (a) in the case of the sole proprietorship, the sole proprietor is a Professional Engineer with Practising Certificate; [Act A1479]
- (b) in the case of the partnership, all the partners are Professional Engineers with Practising Certificates; or [Act A1479]
- (c) in the case of the body corporate – [Act A1479]
- (i) it has a board of directors who shall be subject to such conditions and qualifications as may be prescribed by the Board; [Act A1479]
- (ii) its shareholdings shall be as may be prescribed by the Board; [Act A1479]
- (iii) it has a minimum paid-up capital which shall be of an amount to be prescribed by the Board; and [Act A1479]
- (iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who – [Act A1479]
- (A) is a Professional Engineer with Practising Certificate; and [Act A1479]
- (B) is authorized under a resolution of the board of directors of the body corporate to make all final engineering decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of professional engineering services by the body corporate. [Act A1479]
- (4) An Engineering consultancy practice shall, within thirty days of the occurrence of any change of its sole proprietorship, or the composition of its partners, board of directors or its shareholders, furnish to the Board a true report in writing giving full particulars of the change. [Act A1158]
- (4A) An Engineering consultancy practice may only provide professional engineering services in the branch or branches of engineering in which the sole proprietor, partner or a member of the board of directors of that practise is qualified to practise and as is shown in the Register under subsection 5(2). [Act A1158]
- (5) If the Board finds that – [Act A1158]
- (a) the Engineering consultancy practice or sole proprietor or any partner, director or shareholder has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board upon registration of that Engineering consultancy practice; [Act A1158]

- (b) the composition of the partners, board of directors or shareholders of the Engineering consultancy practice does not comply with section 7B or subsection (3); [Act A1158]
- (c) the Engineering consultancy practice has breached any of the requirements of subsection (4); or [Act A1158]
- (d) the sole proprietor or any partner, director, shareholder or employee of an Engineering consultancy practice, being a person registered under this Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in - [Act A1158]
- (i) paragraph 15(1)(a); or [Act A1158]
- (ii) paragraphs 15(1)(b) to (o) (except paragraphs (e) and (f)), [Act A1288]
- the Board may, subject to subsection (6), by written notice to the Engineering consultancy practice, order – [Act A1158]
- (aa) the issuance of a written warning or reprimand to; [Act A1158]
- (bb) the imposition of a fine not exceeding fifty thousand ringgit on; [Act A1288]
- (cc) the suspension of the registration for a period not exceeding two years of; [Act A1288]
- (dd) the cancellation of the registration of; or [Act A1158]
- (ee) any combination of the sanctions set out in paragraphs (aa) to (dd) on, [Act A1158]
- the Engineering consultancy practice. [Act A1158]
- (6) (a) The Board shall not make any order under paragraphs (5)(aa) to (ee) based upon any of the grounds of complaint set out in paragraph (5)(a), (b) or (c), or subparagraph (5)(d)(ii) unless - [Act A1158]
- (i) there has been a hearing of the grounds of complaint against the Engineering consultancy practice, sole proprietor or any of its partners, directors, shareholders or employees who has caused, contributed or been a party to, the grounds of complaint, conducted by a Disciplinary Committee appointed by the Board pursuant to section 14A; and [Act A1479]
- (ii) an opportunity to be heard, by representative appointed in writing or by counsel in the case of an Engineering consultancy practice, or personally or by counsel in the case of a sole proprietor or any partner, director, shareholder or employee has been given to such Engineering consultancy practice, sole proprietor, partner, director, shareholder or employee, as the case may be. [Act A1288]
- (aa) Notwithstanding paragraph (a), the Board may make an order under paragraphs (5)(aa) to (ee) if the Disciplinary Committee has under paragraph 15(1A)(c) or (d) suspended or cancelled the registration of - [Act A1288]
- (i) a sole proprietor; [Act A1158]
- (ii) one of the partners in a partnership comprising only two partners; or [Act A1158]
- (iii) one of the directors in the board of directors of a body corporate comprising only two directors. [Act A1158]

- (b) In any case where the grounds of complaint are based on paragraph (5)(d), the Board shall not make an order under paragraphs (5)(aa) to (ee) if, on the date of hearing, such Engineering consultancy practice satisfies the Board - [Act A1158]
- (i) that the partner, director, shareholder or employee 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 partner, director, shareholder or employee of such Engineering consultancy practice; [Act A1158]
- (ii) that notwithstanding that such partner, director, shareholder or employee has ceased to be a partner, director, shareholder or employee, such Engineering consultancy practice is able to comply with all the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3); and [Act A1158]
- (iii) that no other partner, director, shareholder or employee of such Engineering consultancy practice was, otherwise than by being its partner, director, shareholder or employee at the material date, in any way a party to, or connected with, the act or thing as forms the grounds for the complaint. [Act A1158]
- (7) Upon the Board suspending or cancelling the registration of an Engineering consultancy practice pursuant to paragraph (5)(cc) or (dd), respectively, the Engineering consultancy practice shall cease to exercise any right or privilege conferred upon it under the registration, but it shall be entitled to recover in any court any fee, charge, remuneration or other form of consideration for professional engineering services rendered by it prior to the date of receipt of the written notice from the Board suspending or cancelling its registration. [Act A1158]
- (8) (a) Without prejudice to section 17, the Board may at any time upon receipt of an application from an Engineering consultancy practice whose registration has been suspended or cancelled pursuant to paragraph (5)(cc) or (dd), respectively, reinstate its registration if it is satisfied that - [Act A1158]
- (i) the reason which led to the suspension or cancellation of its registration no longer exists; and [Act A1158]
- (ii) the Engineering consultancy practice, at the time of such application, complies with the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3) at the time of the original registration. [Act A1158]
- (b) In reinstating the registration under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit. [Act A1158]
- (9), (10), (11), (12) *[Deleted]* [Act A1158]
- 7B.** (1) Where a body corporate carries on a practice of providing a combination of services comprising professional engineering services, architectural consultancy services or quantity surveying services, the Board may, subject to such conditions or restrictions as it may deem fit to impose, register that part of the practice providing professional engineering services. **A body corporate providing a combination of services comprising professional engineering services, architectural consultancy services or quantity surveying services.** [Act A1479]
- (2) The body corporate that applies for registration under subsection (1) must be incorporated under the Companies Act 1965 and - [Act A1158]

- (a) it has a board of directors who shall be subject to such conditions and qualifications as may be prescribed by the Board; [Act A1479]
- (b) its shareholdings shall be as may be prescribed by the Board; [Act A1479]
- (c) has a minimum paid-up capital which shall be an amount as may be prescribed by the Board; and [Act A1479]
- (d) the day-to-day affairs of the body corporate shall be under the control and management of a person who – [Act A1479]
- (i) is a Professional Engineer with Practising Certificate; and [Act A1479]
- (ii) is authorized under a resolution of the board directors of the body corporate to make all final engineering decisions on behalf of the body corporate in respect of the requirements of this Act or any other law relating to the supply of professional engineering services by the body corporate. [Act A1479]
- (3) The minimum shareholdings of a Professional Engineer, Architect and Professional Quantity Surveyor in the body corporate shall be as may be prescribed by the Board. [Act A1479]
- (4) For the purposes of this Act, the body corporate shall, upon its registration, be deemed to be an Engineering consultancy practice. [Act A1158]
8. (1) Except as otherwise provided under any other written law, no person or body, other than a Professional Engineer with Practising Certificate who is residing and practising in Malaysia or an Engineering consultancy practice providing professional engineering services in Malaysia, shall be entitled to submit plans, engineering surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia. **Only Professional Engineer with Practising Certificate and Engineering consultancy practice may submit plan, drawing, etc.** [Act A1479]
- (2) The right of a Professional Engineer with Practising Certificate or Engineering consultancy practice to submit plans, engineering surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia is subject to any conditions or restrictions imposed by the Board under section 7B, subsection 7A(3), or paragraph 4(1)(b), and is restricted to the right to submit such documents only in relation to the branch of engineering in which the Professional Engineer with Practising Certificate including the Professional Engineer in an Engineering consultancy practice, is qualified as shown by the entries made in the Register under subsection 5(2). [Act A1479]
- (3) Nothing contained in any written law shall prevent any Professional Engineer with Practising Certificate or Engineering consultancy practice from making valuations of any structure, plant, machinery and equipment, and making valuations for mining purposes, in connection with his or its professional practice. [Act A1479]
- (4) Nothing in this section shall prohibit - [Act A662]
- (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; and [Act A1479]
- (b) any person holding one of the certificates referred to in subsection 7(3) from continuing to do all things which the certificate enables or authorizes him to do. [Act A1479]

(c), (d) [Deleted]

[Act A1479]

- 8A. (1) A Professional Engineer may submit plans or drawings to any person or authority in Malaysia where such plans or drawings are in relation to an equipment, a plant or a specialised product invented or sold by him or his employer.

Plan or drawing which a Professional Engineer may submit
[Act A1479]

- (2) The employer referred to in subsection (1) shall not include a client.

[Act A1479]

9. [Deleted]

[Act A1479]

10. (1) (a) Subject to this Act, a person who holds –

Qualifications for registration.
[Act A1158]

- (i) the qualifications required for Graduate Membership of the Institution of Engineers (Malaysia) and which are recognised by the Board; or

[Act A1158]

- (ii) any qualification in engineering which is recognised by the Board,

[Act A1158]

shall be entitled on application to be registered as a Graduate Engineer.

[Act A1158]

- (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 determined by the Board in order to be entitled to apply for registration as a Professional Engineer under subsection (2).

[Act A1479]

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

- (a) any person –

[Act A1479]

- (i) who is registered as a Graduate Engineer and has obtained the practical experience under paragraph (1)(b);

[Act A1479]

- (ii) who –

[Act A1479]

- (A) has passed a professional assessment examination conducted by the Board;

[Act A1479]

- (B) holds a professional qualification which the Board considers to be equivalent to the professional assessment examination conducted by the Board; or

[Act A1479]

- (C) is a Corporate Member of the Institution of Engineers (Malaysia); and

[Act A1479]

- (iii) who has complied with the requirements as determined by the Board;

[Act A1479]

- (b) 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 A1479]

- (c) 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:

[Act A1479]

Provided that a person who comes within the scope of subsection 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

- (d) 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 paragraph (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), and has passed a professional assessment examination conducted by the Board. [Act A1479]
- (3) For the purpose of paragraph (2)(d), 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 A1479]
- (4) No person shall be entitled to be registered as a Professional Engineer with Practising Certificate unless he is at the time of application for or renewal of registration, and has been for a period of not less than six months prior to the date of application or renewal, residing in Malaysia. [Act A1479]
- (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 Disciplinary Committee to cancel his registration pursuant to section 15. [Act A1288]
- (6) Subsections 17(3) and 19(1) shall apply *mutatis mutandis* to any person whose application for registration has been rejected pursuant to subsection (5). [Act A662]
- 10A.** [Deleted] [Act A1479]
- 10B.** (1) The Board may register a person as an Accredited Checker if – **Registration of Accredited Checker.** [Act A1158]
- (a) he is a Professional Engineer with Practising Certificate registered in the relevant branch of engineering approved by the Board; [Act A1479]
- (b) he has at least 10 years relevant practical experience in the design and construction of buildings as defined in the Street, Drainage and Building Act 1974 [Act 133]; and [Act A1158]
- (c) he satisfies the Board that by virtue of his ability, standing in the profession, special knowledge or practical experience, he is qualified to be registered under this Act. [Act A1158]
- (2) No person shall, unless he is an Accredited Checker, perform the functions or duties as may be prescribed under this Act. [Act A1158]
- 10C.** (1) A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Engineering Technologist. **Registration of Engineering Technologist** [Act A1479]
- (2) A person who is registered as an Engineering Technologist under subsection (1) shall be entitled on application to be registered as a Graduate Engineer upon fulfilling the requirements under subsection 10(1). [Act A1479]
- 10D.** A person shall be entitled on application to be registered as a Professional Engineer with Practising Certificate if — **Registration of Professional Engineer with Practising Certificate** [Act A1479]

- (a) the person is a registered Professional Engineer; [Act A1479]
- (b) the person has passed a professional competency examination conducted by the Board; and [Act A1479]
- (c) the person has complied with the requirements as determined by the Board. [Act A1479]
- 10E.** A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Inspector of Works. **Registration of Inspector of Works** [Act A1479]
- 11.** *(Deleted by Act A132)*
- 12.** Application for registration shall be made to the Board in such manner as may be prescribed and accompanied by the prescribed fee. **Application for registration.** [Act A1158]
- 13.** (1) The Registrar shall upon receipt of the prescribed fee issue to any person, sole proprietorship, partnership or body corporate whose application for registration has been approved by the Board a certificate of registration in the prescribed form. **Certificate of registration.** [Act A1158]
- (2) Every certificate of registration, except the certificate of registration issued to a Graduate Engineer and Engineering Technologist, shall, subject to this Act, expire on the 31st day of December of the year in which it is issued and may be renewed annually upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board. [Act A1479]
- (3) A certificate of registration — [Act A1479]
- (a) issued to an Inspector of Works shall expire on the 31 December of the third year from the date the certificate of registration is issued; and [Act A1479]
- (b) may be renewed upon the expiry of the certificate of registration on payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board. [Act A1479]
- 14.** Every registered Person and Engineering consultancy practice shall notify the Registrar of any change in his or its business address within three months of the change. **Notification of change of address.** [Act A1479]

PART IIIA

[Act A1288]

DISCIPLINARY COMMITTEE

- 14A.** (1) The Board shall appoint a Disciplinary Committee which shall consist of the following members: **Establishment of Disciplinary Committee.** [Act A1479]
- (a) a Chairman who shall be a registered Professional Engineer with Practising Certificate; [Act A1479]
- (b) a registered Professional Engineer; and [Act A1479]
- (c) a registered Professional Engineer with Practising Certificate. [Act A1479]
- (2) The members of the Disciplinary Committee shall have been registered as Professional Engineers for a period of not less than seven years prior to their appointment to the Disciplinary Committee. [Act A1479]

14B. The Disciplinary Committee –**Powers of
Disciplinary
Committee.**
[Act A1288]

- (a) shall conduct hearings of any misconduct or complaint against any registered Person referred to it by the Investigating Committee;
- (b) may make any or any combination of the orders specified in section 15 against a registered Person under such circumstances as set out in that section.

[Act A1479]

[Act A1479]

- 14C.** (1) Where a member of the Board has been appointed as a member of the Disciplinary Committee in pursuance of section 14A to conduct a hearing of any misconduct or complaint against a registered Person, that member of the Disciplinary Committee shall not sit as a member of the Board when the Board conducts a hearing or makes an order under subsection 7A(5) against an Engineering consultancy practice of which the registered Person is its sole proprietor, partner, director, shareholder or employee.
- (2) Subject to the provisions of this Act, the Disciplinary Committee may regulate its own procedures in such manner as it deems fit.

**Proceedings of the
Disciplinary
Committee.**
[Act A1479]

[Act A1288]

PART IV**CANCELLATION, REMOVAL, REINSTATEMENT, ETC.**

[Act A1158]

- 15.** (1) The Disciplinary Committee may make any or any combination of the orders specified in paragraphs (a) to (d) of subsection (1A) against a registered Person under any of the following circumstances:

**Cancellation of
registration, etc.**
[Act A1479]

- (a) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere;
- (b) if he offers or accepts any commission which in the opinion of the Disciplinary Committee 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 sole proprietor, partner, director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client;
- (d) if his registration under this Act has been obtained by fraud or misrepresentation;
- (e) if his qualification under section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;
- (f) if he is found to be of unsound mind;
- (fa) if he is found to be incapable or no longer able to perform his professional duties effectively;
- (fb) if he becomes a bankrupt;
- (g) if he is found by the Disciplinary Committee to have contravened, or failed to comply with this Act or any regulations made thereunder;

[Act A1288]

[Act A1288]

[Act A1158]

[Act A1158]

[Act A662]

[Act A1158]

[Act A1158]

[Act A1158]

[Act A1288]

- (h) if he fails to observe any conditions or restrictions subject to which he is registered; [Act A1158]
- (i) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; [Act A1288]
- (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 sole proprietorship, partnership or body corporate to be registered as an Engineering consultancy practice; [Act A1158]
- (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 cancel the registration of a sole proprietorship, partnership or body corporate, in which he is a sole proprietor, partner, director or shareholder, as an Engineering consultancy practice; [Act A1158]
- (l) if he contravenes, or fails to perform, or assists in the contravention of, any terms, conditions or restrictions imposed by the Board when registering a sole proprietorship, partnership or body corporate as an Engineering consultancy practice under section 7B or subsection 7A(3); [Act A1158]
- (m) if he causes or permits or suffers any sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder to practise as an Engineering consultancy practice prior to its registration by the Board; [Act A1158]
- (n) if he causes or permits or suffers any Engineering consultancy practice in which he is a sole proprietor, partner, director or shareholder to continue to practise as an Engineering consultancy practice after the Board has suspended or cancelled its registration under paragraph 7A(5)(cc) or (dd), respectively; or [Act A1158]
- (o) if he fails to discharge his professional duties with due skill, care and diligence. [Act A1158]
- (1A) The orders referred to in subsection (1) are - [Act A1158]
- (a) the issuance of a written warning or reprimand; [Act A1158]
- (b) the imposition of a fine not exceeding fifty thousand ringgit; [Act A1288]
- (c) the suspension of registration for a period not exceeding two years; [Act A1288]
- (d) the cancellation of registration. [Act A1158]
- (2) The Disciplinary Committee shall not make any order under subsection (1A), based upon any of the circumstances set out in subsection (1) except for circumstances in paragraphs (1)(a), (e), (f) and (fb), unless an opportunity of being heard either personally or by a person appointed by the registered Person has been given to the registered Person against whom the Disciplinary Committee intends to make the order. [Act A1479]
- (3) The Disciplinary Committee or Board may, if it deems fit, suspend the registration of any registered Person or Engineering consultancy practice, respectively, for a period not exceeding six months pending any investigation by an Investigating Committee 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. [Act A1479]

- (4) The Disciplinary Committee or Board, as the case may be, may upon the recommendation of the Investigating Committee suspend the registration of the registered Person or Engineering consultancy practice mentioned in subsection (3) for a further period of three months but not exceeding six months, if the Investigating Committee is unable to complete the investigation of such registered Person or Engineering consultancy practice within the period of suspension stipulated in subsection (3). [Act A1479]

16. There shall be removed from the Register the name and other particulars of –

Removal from Register.
[Act A1479]

- (a) any registered Person who has died, or Engineering consultancy practice which has ceased to practise; [Act A1479]
- (b) any registered Person, other than a Graduate Engineer, Engineering Technologist, or Engineering consultancy practice who has failed to renew his or its registration within one month of the expiry of the registration; [Act A1479]
- (c) any registered Person whose registration has been cancelled under paragraph 15(1A)(d) or any Engineering consultancy practice whose registration has been cancelled under subsection 7B(3) or paragraph 7A(5)(dd); or [Act A1479]
- (d) any registered Person or Engineering consultancy practice whose registration has been effected by reason of any mistake or error made by the Board in considering his or its application for registration. [Act A1479]

17. (1) Any registered Person or Engineering consultancy practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or Board under subsection 15(1A) or 7A(5), respectively shall, if his or its appeal is allowed, forthwith be reinstated and the Registrar shall issue a certificate of registration to him or it.

Reinstatement.
[Act A1479]

- (2) Any registered Person, other than a Graduate Engineer, Engineering Technologist, or Engineering consultancy practice whose name has been removed from the Register for failure to renew his or its registration for a period of not more than three years shall be reinstated as soon as may be after he or it has notified the Registrar of his or its desire to be reinstated and upon payment of such fees as may be prescribed and satisfying such conditions as may be determined by the Board, and the Registrar shall issue a certificate of registration to him or it. [Act A1479]

- (2A) A registered Person, other than a Graduate Engineer, Engineering Technologist, or an Engineering consultancy practice, who fails to renew his or its registration for a period of more than three years after its expiry may be reinstated if he or it applies to the Board for reinstatement and the Board if satisfied with his or its reasons for reinstatement and upon payment of such fees as may be prescribed and satisfying such conditions as may be determined by the Board, shall issue a certificate of registration to him. [Act A1479]

- (3) A registered Person or Engineering consultancy practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or the Board under subsection 15(1A) or 7A(5) respectively, 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. [Act A1479]

- (4) The Board shall issue a certificate of registration to the registered Person or Engineering consultancy practice upon — [Act A1479]

- (a) receipt of satisfactory evidence for his or its reinstatement; [Act A1479]

- (b) satisfying such conditions as may be determined by the Board; [Act A1479]
- (c) reimbursement to the Board of all expenditure incurred arising out of the proceedings leading to the cancellation of his or its registration; and [Act A1479]
- (d) payment of the prescribed fee. [Act A1479]

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

Certificates to be returned.
[Act A1479]

PART V

GENERAL

19. (1) Any person, sole proprietorship, partnership or body corporate – **Appeal.**
[Act A1158]
- (a) who has been refused registration by the Board;
 - (b) who has been registered but is dissatisfied with any conditions or restrictions imposed by the Board under section 7B, subsection 7A(3) or 10D, or section 4(1)(b); [Act A1479]
 - (c) who having been registered has had his or its name removed from the Register pursuant to an order made by the Disciplinary Committee or Board under subsection 15(1A) or 7A(5), respectively; [Act A1288]
 - (d) who has been registered and has subsequently applied to have his or its registration extended to cover additional branches of engineering and has had his or its application refused; or [Act A1158]
 - (e) who is not satisfied with an order of the Disciplinary Committee or Board made under subsection 15(1A) or 7A(5), respectively, [Act A1288]
- may within twenty-one days of being notified of the refusal, conditions, restrictions, removal or order, 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. [Act A1158]
- (2) The Disciplinary Committee or Board shall give effect to any order made by the Appeal Board forthwith. [Act A1288]
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 Chief Justice) and two other persons appointed by the Yang di-Pertuan Agong. **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. **Tenure of office of members of the Appeal Board.**
22. (1) A notice of appeal against an order of the Board or Disciplinary Committee referred to in section 19 shall be made in writing to the Appeal Board and a copy of the notice sent to the President of the Board or Chairman of the Disciplinary Committee. **Procedure of appeal.**
[Act A1288]

- (2) On receipt of a copy of the notice of appeal, the President of the Board or the Chairman of the Disciplinary Committee or in the absence of the President or the Chairman, the member so delegated by the President or the Chairman, shall cause to be prepared and sent to the Chairman of the Appeal Board records or a summary of the records of the proceedings of the Board or the Disciplinary Committee and a statement setting out the grounds on which the Board or the Disciplinary Committee arrived at its decision. [Act A1288]
- (3) Upon receiving the records or summary of the records and the grounds of the decision of the Board or Disciplinary Committee the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal. [Act A1288]
- (4) The Appeal Board after hearing the appeal may confirm or vary the decision of the Board or Disciplinary Committee. [Act A1288]
- (5) The decision of the Appeal Board shall be final.

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

Procedure of Appeal Board.

24. Any person, sole proprietorship, partnership or body corporate who –

Penalties for obtaining registration by false pretences, etc.
[Act A1158]

- (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) uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited; [Act A1158]
- (e) impersonates a registered Person; [Act A1479]
- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another registered Person or Engineering consultancy practice; [Act A1479]
- (g) sells any certificate of registration issued under this Act; or [Act A1158]
- (h) contravenes section 7 or 8, or subsection 7A(1), 24A(1) or 24B(5), [Act A1158]

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit, or to imprisonment for a term not exceeding three years, or to both. [Act A1288]

24A. (1) No person shall employ a person, sole proprietorship, partnership or body corporate, other than a Professional Engineer with Practising Certificate or Engineering consultancy practice, to perform professional engineering services.

Restriction on employment of unregistered person to provide professional engineering services.
[Act A1479]

- (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]

- 24b.** (1) For the purposes of subsection 15(3), the Board shall appoint an Investigating Committee which shall consist of the following members:
- Investigating Committee and its powers.**
[Act A1479]
- (a) a Chairman who shall be a registered Professional Engineer with Practising Certificate; and [Act A1479]
- (b) two other members, one of whom shall be a Professional Engineer with Practising Certificate. [Act A1479]
- (2) Where a member of the Investigating Committee is a member of the Board, he shall not sit as a member of the Board when the Board conducts a hearing or makes an order under subsection 7A(5) in respect of the Engineering consultancy practice which has been examined by the Investigating Committee of which he is a member. [Act A1288]
- (2A) Where the Investigating Committee has conducted an investigation against a registered Person, the member of the Investigating Committee shall not sit as a member of the Disciplinary Committee appointed in pursuance of section 14A to conduct a hearing of any misconduct or complaint or to make an order under subsection 15(1A) in respect of the registered Person who has been investigated by the Investigating Committee of which he is a member. [Act A1479]
- (3) The Investigating Committee appointed under subsection (1) may, for the purpose of an investigation – [Act A1158]
- (a) require any person, including a sole proprietor, partner, director, manager or secretary, to attend before it and give evidence on oath or affirmation, and the Chairman of the Investigating Committee presiding at the investigation may administer the oath; and [Act A1158]
- (b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control. [Act A1158]
- (4) Upon completion of its investigation, the Investigating Committee shall submit a report together with its recommendations, if any, to the Board or Disciplinary Committee for its consideration. [Act A1288]
- (5) A person, including a sole proprietor, partner, director, manager or secretary, shall, unless with reasonable excuse – [Act A1158]
- (a) attend and give evidence when required to do so by the Investigating Committee; [Act A1158]
- (b) answer truthfully and fully any question put to him by any member of the Investigating Committee; or [Act A1158]
- (c) produce to the Investigating Committee any book, document or paper required of him. [Act A1158]
- 25.** (1) Any person, sole proprietorship, partnership or body corporate 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 ten thousand ringgit or to imprisonment for a term not exceeding one year, or to both.
- General penalty.**
[Act A1288]

- (2) If a sole proprietorship, partnership or body corporate contravenes this Act or any regulations made thereunder, the sole proprietor or every partner, director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the sole proprietorship, partnership or body corporate is guilty of and liable to, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part. [Act A1158]
- (3) If a registered Person or Engineering consultancy practice refuses or fails to comply with an order of the Disciplinary Committee or Board made under subsection 15(1A) or 7A(5), respectively or the Appeal Board made under section 19, he shall be guilty of an offence, and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit in the case of an individual, or to a fine not exceeding fifty thousand ringgit in the case of an Engineering consultancy practice. [Act A1479]
- 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. **Regulations.** [Act A662]
- 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 application in the prescribed form and 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 Person or any sole proprietorship, partnership or body corporate which is not an Engineering consultancy practice to do any act or thing that the person, sole proprietorship, partnership or body corporate 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, sole proprietorship, partnership or body corporate. **Authorization by President** [Act A1479]
- (2) No person, sole proprietorship, partnership or body corporate 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. [Act A1158]
- (3) A person, sole proprietorship, partnership or body corporate 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 or it were a registered Person or an Engineering consultancy practice. [Act A1479]
- 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. **Saving as to right of Government.**
- 28.** (1) No action or proceeding shall be instituted or maintained in any court against the Board, Disciplinary Committee, Appeal Board, Investigating Committee or any committee appointed by the Board, any members of the Board, Disciplinary Committee, Appeal Board, Investigating Committee or any such committee, or any person authorized to act for or on behalf of the Board for any act or omission done in good faith in the discharge of any of its or his functions, powers and duties under this Act or any regulations made under this Act. **Indemnity.** [Act A1288]
- (2) This section does not apply to powers conferred under subsection 4(2) or any power to enter into contracts exercised by the Board. [Act A1158]
- 29.** The Board may appoint an advocate and solicitor to institute and conduct proceedings on its behalf. **Appointment of advocate and solicitor.** [Act A1158]

SCHEDULE

[Act A1479]

[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). [Act A1158]
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. [Act A1158]
- (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 paragraph 3(3)(a) or (b) and two shall be members appointed under paragraph 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 7A, 7B 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 A1288]
- (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.

SECOND SCHEDULE *[Deleted]*

[Act A1479]

- (1) A Temporary Engineer who is registered under the principal Act, before the date of the coming into operation of this Act, may continue to carry out or perform professional engineering services until the expiry of the certificate of registration issued under the principal Act. **Saving and transitional**
[Act A1479]
- (2) In relation to a Professional Engineer registered under the principal Act, where he applies to be registered as a Professional Engineer with Practising Certificate within one year from the date of the coming into operation of this Act, or any period as may be extended by the Board, he shall be exempted from the provision of paragraph 10D(b). [Act A1479]
- (3) Any application for the certificate of registration pending on the date of the coming into operation of this Act shall be dealt with under the principal Act as amended by this Act. [Act A1479]
- (4) The stamp as prescribed in the Second Schedule to the principal Act shall continue to be used until replaced by such stamp as may be determined by the Board after the date of the coming into operation of this Act. [Act A1479]
- (5) Upon the coming into operation of this Act – [Act A1479]
- (a) all investigations, proceedings, including disciplinary proceedings, and matters relating to such investigations and proceedings existing and pending under the principal Act shall continue and be dealt with under the principal Act as if it had not been amended by this Act; [Act A1479]
- (b) all investigations, proceedings, including disciplinary proceedings, and matters relating to such investigations and proceedings which could have been commenced or instituted under the principal Act before the coming into operation of this Act shall be commenced, instituted and dealt with under the principal Act as if it had not been amended by this Act; and [Act A1479]
- (c) any such right, privilege, obligation, liability, penalty, or punishment acquired, accrued or incurred under the principal Act, may be continued, enforced, imposed and be dealt with, as the case may be, as if the principal Act had not been amended by this Act. [Act A1479]

Act 138**REGISTRATION OF ENGINEERS ACT 1967**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A132	Registration of Engineers (Amendment) Act 1972	07-07-1972
Act A173	Registration of Engineers (Amendment) Act 1973	23-08-1972
Act A218	Registration of Engineers (Amendment) Act 1974	22-02-1974 except paragraph 2(b): 01-07-1974
Act A662	Registration of Engineers (Amendment) Act 1987	16-01-1987
Act A1158	Registration of Engineers (Amendment) Act 2002	01-12-2002
Act A1288	Registration of Engineers (Amendment) Act 2007	01-04-2007
Act A1479	Registration of Engineers (Amendment) Act 2015	Not yet

Act 138**REGISTRATION OF ENGINEERS ACT 1967**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A1158	01-12-2002
2	Act A132 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 16-01-1987 01-12-2002 01-04-2007 Not yet
3	Act A132 Act A173 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 23-08-1972 16-01-1987 01-12-2002 01-04-2007 Not yet
4	Act A132 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 16-01-1987 01-12-2002 01-04-2007 Not yet

Section	Amending authority	In force from
5	Act A132 Act A662 Act A1158 Act A1479	07-07-1972 16-01-1987 01-12-2002 Not yet
6	Act A662 Act A1158 Act A1288 Act A1479	16-01-1987 01-12-2002 01-04-2007 Not yet
7	Act A132 Act A173 Act A218 Act A662 Act A1158 Act A1479	07-07-1972 23-08-1972 22-02-1974, 01-07-1974 16-01-1987 01-12-2002 Not yet
7A	Act A218 Act A662 Act A1158 Act A1288 Act A1479	22-02-1974 16-01-1987 01-12-2002 01-04-2007 Not yet
7B	Act A1158 Act A1479	01-12-2002 Not yet
8	Act A132 Act A173 Act A218 Act A662 Act A1158 Act A1479	07-07-1972 23-08-1972 22-02-1974 16-01-1987 01-12-2002 Not yet
8A	Act A1479	Not yet
9	Act A1158	01-12-2002
10	Act A132 Act A173 Act A218 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 23-08-1972 22-02-1974 16-01-1987 01-12-2002 01-04-2007 Not yet
10A	Act A662 Act A1158 Act A1288	16-01-1987 01-12-2002 01-04-2007
10B	Act A1158 Act A1479	01-12-2002 Not yet
10C	Act A1479	Not yet
10D	Act A1479	Not yet
10E	Act A1479	Not yet

Section	Amending authority	In force from
11	Act A132	07-07-1972
12	Act A1158	01-12-2002
13	Act A132 Act A1158 Act A1479	07-07-1972 01-12-2002 Not yet
14	Act A1158 Act A1479	01-12-2002 Not yet
14A	Act A1288 Act A1479	01-04-2007 Not yet
14B	Act A1288 Act A1479	01-04-2007 Not yet
14C	Act A1288 Act A1479	01-04-2007 Not yet
15	Act A132 Act A218 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 22-02-1974 16-01-1987 01-12-2002 01-04-2007 Not yet
16	Act A662 Act A1158 Act A1479	16-01-1987 01-12-2002 Not yet
17	Act A132 Act A662 Act A1158 Act A1288 Act A1479	07-07-1972 16-01-1987 01-12-2002 01-04-2007 Not yet
18	Act A1158 Act A1479	01-12-2002 Not yet
19	Act A662 Act A1158 Act A1288 Act A1479	16-01-1987 01-12-2002 01-04-2007 Not yet
22	Act A1158 Act A1288	01-12-2002 01-04-2007
24	Act A132 Act A1158 Act A1288 Act A1479	07-07-1972 01-12-2002 01-04-2007 Not yet
24A	Act A662 Act A1158 Act A1479	16-01-1987 01-12-2002 Not yet

Section	Amending authority	In force from
24B	Act A1158 Act A1288 Act A1479	01-12-2002 01-04-2007 Not yet
25	Act A173 Act A218 Act A662 Act A1158 Act A1288 Act A1479	23-08-1972 22-02-1974 16-01-1987 01-12-2002 01-04-2007 Not yet
26	Act A662	16-01-1987
26A	Act A218 Act A1158 Act A1479	22-02-1974 01-12-2002 Not yet
28	Act A1158 Act A1288	01-12-2002 01-04-2007
29	Act A1158	01-12-2002
Schedule	Act A1479	Not yet
First Schedule	Act A132 Act A662 Act A1158 Act A1288	07-07-1972 16-01-1987 01-12-2002 01-04-2007
Second Schedule	Act A1158	01-12-2002
