

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of July 29, 2016

SUPPLEMENT

(Issued on 01. 08. 2016)



ENGINEERING COUNCIL, SRI LANKA

A

BILL

to provide for the establishment of the Engineering Council, Sri Lanka which shall be responsible for the maintenance of professional standards and conduct of engineering practitioners; registration of different categories of engineering practitioners; and to provide for matters connected therewith or incidental thereto.

Ordered to be published by the Minister of Power and Renewable Energy

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1

Price : Rs. 18.00

Postage : Rs. 15.00

Engineering Council, Sri Lanka

L.D.—O. 35/2011

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ENGINEERING COUNCIL, SRI LANKA WHICH SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PROFESSIONAL STANDARDS AND CONDUCT OF ENGINEERING PRACTITIONERS; REGISTRATION OF DIFFERENT CATEGORIES OF ENGINEERING PRACTITIONERS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Engineering Council, Short title. Sri Lanka Act, No. of 2016.

5 PART I

ESTABLISHMENT OF THE ENGINEERING COUNCIL, SRI LANKA

2. (1) There shall be established a Council which shall be known as the Engineering Council, Sri Lanka (hereinafter referred to as the “Council”).

Establishment of the Engineering Council, Sri Lanka.

- 10 (2) The Council shall by the name assigned to it by subsection (1) be a body corporate and shall have a perpetual succession and a common seal and may sue and be sued in that name.

3. The Council shall consist of the following:-

Constitution of the Council.

- 15 (a) four *ex-officio* members, namely-

- (i) three Deans of the Faculties of Engineering or their representatives not below the rank of a Professor, nominated by each

University and appointed by the University Grants Commission established under the Universities Act, No. 16 of 1978;

5 (ii) Director - General of Tertiary and Vocational Education Commission established under the Tertiary and Vocational Education Commission Act, No. 20 of 1990 or his representative;

10 (b) thirteen members appointed by the Prime Minister (hereinafter referred to as the "appointed members") in following manner:-

15 (i) seven Chartered Engineers nominated by the Institution of Engineers, Sri Lanka established by the Institution of Engineers, Sri Lanka Act, No. 17 of 1968;

20 (ii) four members nominated by the Institution of Incorporated Engineers of Sri Lanka established by the Institution of Incorporated Engineers of Sri Lanka (Incorporation) Act, No. 64 of 1992;

(iii) two Chartered Engineers nominated by the Sri Lanka Engineering Service.

25 **4.** (1) The Prime Minister shall appoint one of the Chartered Engineers from among the appointed members to be the Chairman of the Council. Chairman of the Council.

(2) The Chairman shall not engage in any paid employment outside the duties of his office, without the approval of the Prime Minister.

30 (3) The Chairman may resign from the office of Chairman by letter addressed to the Prime Minister and such resignation shall be effective from the date on which it is accepted by the Prime Minister.

(4) The Prime Minister may for reasons assigned remove the Chairman from the office of Chairman.

(5) Subject to the provisions of subsections (3) and (4) the term of office of the Chairman shall be the period of his membership of the Council.

(6) Where the Chairman is temporarily unable to perform the duties of the office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Prime Minister may appoint any other Chartered Engineer from among the appointed members to act as Chairman in addition to his normal duties as an appointed member.

5. (1) The Prime Minister shall, prior to appointing a person as a member of the Council, satisfy himself that such person has no financial or other interest in the affairs of Council, as is likely to affect prejudicially, the discharging of his functions as a member of the Council.

Financial
interest of
the members.

(2) The Prime Minister shall also satisfy himself, from time to time, that no member of the Council has since being appointed acquired any such interest.

(3)(a) a member of the Council who is in anyway, directly or indirectly, interested in any contract made or proposed to be made by the Council shall disclose the nature of his interest at a meeting of the Council; and

(b) such disclosure shall be recorded in the minutes of the Council and the member shall not participate in any deliberation or decision of the Council with regard to that contract.

(4) For the purposes of this section “a member of the Council” includes the Chairman, an appointed member and an *Ex-officio* member.

6. A person shall be disqualified from being appointed or continuing as a member of the Council, if such person— Disqualifications to be a member.

- (a) is or becomes a Member of Parliament, any Provincial Council or of any Local Authority;
- 5 (b) is not, or ceases to be, a citizen of Sri Lanka;
- (c) directly or indirectly holds or enjoys any right or benefit under any contract made by or on behalf of the Council;
- 10 (d) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council;
- (e) absents himself from three consecutive meetings of the Council without obtaining prior approval from the Council;
- 15 (f) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind;
- (g) is a person who having been declared as insolvent or bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt; or
- 20 (h) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country.

7. Every *ex-officio* member of the Council shall hold office as long as such officer holds office by virtue of which such officer has been appointed to the Council. Ex-officio members.

8. (1) Every appointed member of the Council shall, unless he vacates office earlier by death, resignation, or removal, hold office for a period of two years, and shall be eligible for re-appointment, unless removed on disciplinary grounds. Provisions relating to appointed members.

(2) The Prime Minister may for reasons assigned remove any appointed member from office.

(3) Any appointed member may resign from office at any time by letter addressed in that behalf to the Prime Minister and such resignation shall take effect upon it being accepted by the Prime Minister.

(4) (a) In the event of the death, resignation or removal from office of any appointed member, the Prime Minister may having regard to the provisions of this Act in relation to the appointment of that particular appointed member, appoint another person to act in his place.

(b) The Prime Minister shall appoint a member for the purposes of paragraph (a) within one month occurrence of the vacancy.

(c) The member appointed under paragraph (a) shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(5) Where any appointed member is temporarily unable to perform the duties of the office due to ill health or absence from Sri Lanka or for any other reason, the Prime Minister may having regard to the provisions of section 3(b) appoint another person to act in his place.

(6) Subject to the preceding provisions an appointed member may continue to hold office, after lapse of the period of two years referred to in subsection (1), until he is reappointed or a new member is appointed by the Prime Minister.

9. (1) The Chairman shall preside at every meeting of the Council. Where the Chairman is absent, the members present shall elect a Chairman for that meeting from among themselves.

Meetings of
the Council.

(2) (a) All matters for decision by the Council shall be dealt with at a meeting of the Council and shall be determined by the majority of the members present and voting.

(b) In the event of an equality of votes on any question considered at a meeting the Chairman of that meeting shall have a casting vote in addition to his original vote.

(c) All decisions of the Council supported by reasons,
5 shall be in writing and the seal of the Council affixed thereto.

(3) Any member of the Council may by written notice, request the Chairman to call a meeting and the Chairman shall not otherwise than for justifiable reasons refuse to do so.

10 (4) No act, decision or proceeding of the Council, shall be deemed to be invalidated by reason only of the existence of any vacancy of the Council or any defect in the appointment of any member thereof.

(5) The quorum for any meeting of the Council shall be
15 nine members.

(6) Subject to the preceding provisions of this section, the Council may regulate the procedure in regard to the meetings of the Council and the transaction of business at such meeting.

20 **10.** (1) The seal of the Council shall be as determined The Seal.
by the Council.

(2) The seal of the Council –

- (a) may be altered in such manner as may be determined by the Council;
- 25 (b) shall be in the custody of such person or persons as the Council may, determine;
- (c) shall not be affixed to any instrument or document without the sanction of the Council and except in the presence of two members of the Council, both of whom shall sign the instrument or document in token of their
30 presence.

(3) The Council shall maintain a register of documents to which the seal of the Council has been affixed.

11. The members of the Council may be paid such remuneration for attendance at meetings of the Council, as may be determined by the Prime Minister with the concurrence of the Minister assigned the subject of Finance. Remuneration for attending meetings of the Council.

PART II

POWERS AND FUNCTIONS OF THE COUNCIL

12. The Council shall be charged with the function of registering engineering practitioners holding such qualifications as set out in the Schedule A hereto, and also- Functions of the Council.

- (a) accept, approve or reject any application submitted for registration under this Act;
- (b) cancel any registration granted by the Council;
- 15 (c) keep, maintain and publish from time to time the list of the engineering practitioners registered under this Act;
- (d) hold inquires on any matter relating to the professional misconduct of the engineering practitioners; 20
- (e) determine the remuneration payable to the staff of the Council; and
- (f) make representations to the Government and relevant bodies on matters relating the practice of engineering profession in Sri Lanka. 25

13. The Council shall have the power to- Powers of the Council.

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;

- 5 (b) borrow, with or without security, moneys, on such terms and conditions as may be imposed in that behalf, by the Minister to whom the subject of Finance has been assigned for the purpose of discharging the functions of the Council;
- (c) accept gifts, grants or donations, whether in cash or otherwise, except and to apply them for discharging its functions;
- 10 (d) determine the fees payable in respect of registration by rules made in that behalf;
- (e) determine the terms and conditions of registration of engineering practitioners;
- 15 (f) determine the form and manner of issuing of certificate of registration, by rules made in that behalf;
- (g) maintain registers of the engineering practitioners;
- 20 (h) prepare a Code of Professional Conduct for the engineering practitioners;
- (i) determine the procedure for the purpose of carrying out disciplinary inquiries in respect of professional misconduct of the engineering practitioners; and
- 25 (j) appoint, employ, transfer, dismiss and exercise disciplinary control against officers and employees of the Council and to prescribe their terms and conditions of services.

PART III

30 REGISTRATION AS ENGINEERING PRACTITIONERS

14. (1) No engineering practitioner shall engage in the practice of engineering profession unless such engineering practitioner is registered under section 15:

Engineering practitioners to register under this Act.

35 Provided however, that any engineering practitioner who is engaged in the practice of engineering profession on

the date of commencement of this Act shall, within six months from the date of commencement of this Act, register himself under section 15.

- 5 (2) Any engineering practitioner who contravenes the provisions of subsection (1) commits an offence.

- 10 **15.** (1) Any engineering practitioner who satisfies the respective qualifications and experience specified in the Schedule A hereto, may apply to be registered as an engineering practitioner, in such form and manner as the Council may determine by rules made in that behalf. Application for registration as an engineering practitioner.

(2) Any engineering practitioner who has duly applied under subsection (1), may be registered on the payment of the fee determined by the Council by rules made in that behalf.

- 15 (3) The Council shall not register any person as an engineering practitioner, other than Engineering Technicians, unless the application for registration has been authorized by the relevant professional body to which such person belongs.

- 20 **16.** (1) The Council shall cancel the registration of an engineering practitioner, if the Council is satisfied that such engineering practitioner- Cancellation or suspension of registration.

- 25 (a) has contravened any of the provisions of this Act or any regulation made thereunder or any term and condition of such registration;
- (b) has been adjudged by a competent court whether in or outside Sri Lanka to be of unsound mind;
- (c) has been found guilty of professional misconduct after an inquiry held by the Council; or
- 30 (d) has been convicted for an offence under this Act.

(2) Where by reasons of the provisions of subsection (1) the Council is empowered to cancel the registration of an

engineering practitioner, the Council may, in lieu of exercising that power, suspend the registration for such period as the Council may deem fit.

(3) The Council shall, before cancelling or suspending a registration, cause a notice of cancellation or suspension to be issued to such engineering practitioner.

(4) Any such notice shall specify the grounds on which the Council's opinion is based, and shall indicate that such engineering practitioner may within one month after the receipt thereof submit to the Council in writing any reasons as to why the registration shall not be cancelled or suspended.

(5) Where such engineering practitioner fails to submit the reasons within the time stipulated thereof or after consideration of any reason submitted, the Council may suspend or cancel the registration of such engineering practitioner and inform such person in writing about such suspension or cancellation.

(6) The Prime Minister shall prescribe by regulations the acts or omissions which amount to professional misconduct.

17. (1) Every engineering practitioner who is registered under section 15, shall have the right to use, if he is— Use of abbreviated designations.

- (a) a Chartered Engineer, the abbreviated designation "CEng";
- 25 (b) an Associate Engineer, the abbreviated designation "AEng";
- (c) an Affiliate Engineer, the abbreviated designation "AflEng";
- 30 (d) an Incorporated Engineer, the abbreviated designation "IEng";
- (e) an Engineering Diplome, the abbreviated designation "EngDip";

(f) an Engineering Technician, the abbreviated designation “EngTec”.

(2) No engineering practitioner shall use any abbreviated designation referred to in subsection (1) unless such
5 engineering practitioner is registered in that category.

18. (1) Notwithstanding anything to the contrary in any other provisions of this Act, a foreign engineering practitioner may apply for temporary registration if he satisfies the Council that he possesses the prescribed
10 qualifications and expertise and of his physical presence in Sri Lanka, or that he is a resident representative of the foreign component of a joint venture programme implemented in Sri Lanka.

Registration
of foreign
engineers.

(2) The Council may subject to the conditions imposed
15 by the Council, upon payment of a prescribed fee issue a temporary registration to a foreign engineering practitioner for a period of four months. Such registration shall be renewed at the end of that period on application made in that behalf.

20 PART IV

APPEALS

19. (1) Any engineering practitioner whose registration
has been refused by the Council or whose registration has
been cancelled or suspended under section 16(5) by the
25 Council, may within thirty days of being notified of such decision, appeal to the Appeals Board established under section 20.

Appeals.

(2) The Appeals Board may, after taking into
consideration all the relevant factors and where it is
30 appropriate and reasonable-

(a) allow or vary the appeal; or

(b) disallow the appeal.

20. (1) The Prime Minister shall appoint an Appeals Board which shall consist of - Appeals Board.

(a) one member who shall be a Chartered Engineer nominated by the University Grants Commission;

5 (b) two other Chartered Engineers; and

(c) two Incorporated Engineers.

(2) The members of the Appeals Board shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment.

10 (3) The Prime Minister may make regulations specifying the manner in which the meetings and business of the Appeals Board shall be carried out.

(4) The Appeals Board shall inform its decision to the Council.

15 (5) Upon receiving the decision of the Appeals Board, the Council shall inform the appellant the decision of the Appeals Board forthwith and act in accordance with the decision of the Appeals Board.

20 (6) The members of the Appeals Board may be paid such remuneration out of the Fund of the Council with the concurrence of the Minister assigned of the subject of Finance.

PART V

25 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER AND STAFF OF THE COUNCIL

21. (1) The Council may in consultation with the Prime Minister appoint to the Staff of the Council a Chief Executive Officer (hereinafter referred to as the "Chief Executive Officer") from among persons who hold a degree from a recognized University in Engineering, Business Administration, Management or any other related discipline. Appointment of the Chief Executive Officer of the Council.

(2) The Chief Executive Officer shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years, and shall be eligible for re-appointment, unless removed on disciplinary grounds.

5 (3) The Chief Executive Officer shall subject to the general directions and supervision of the Council -

(a) be charged with the administration of the affairs of the Council including the administration and control of the staff;

10 (b) be responsible for the execution of all decisions of the Council; and

(c) carry out all such functions as may be assigned to him by the Council.

15 (4) The Chief Executive Officer shall be entitled to be present and speak at any meetings of the Council, but shall not to be entitled to vote at such meetings.

20 (5) The Chief Executive Officer may with the written approval of the Council, delegate in writing to any officer of the Council, any of his powers or functions and the officer to whom any such power or function is delegated shall exercise or perform them subject to the directions of the Chief Executive Officer.

(6) The Council may remove the Chief Executive Officer from office –

25 (a) if he becomes permanently incapable of performing his duties; or

(b) if he has done any act which, in the opinion of the Council, is of a fraudulent or illegal character or is prejudicial to the interests of the Council;

(c) has failed to comply with any directions issued by the Council.

(7) The office of the Executive Officer shall become vacant upon the death, removal from office under subsection
5 (6) or resignation by letter in that behalf addressed to the Council.

(8) If any vacancy occurs in the office of the Chief Executive Officer, the Prime Minister may appoint a member of the Council to perform the duties of the Chief Executive
10 Officer until an appointment is made under subsection (1).

22. (1) The Council may appoint such officers and Staff of the employees as may be necessary for the efficient discharge of Council. its functions.

(2) The Council may, in respect of the officers and
15 employees appointed to the Council under subsection (1) –

- (a) exercise disciplinary control over or dismiss such officers and employees;
- (b) fix the rates at which such officers and employees shall be remunerated in keeping with related
20 guidelines of the Government;
- (c) determine the terms and conditions of employment of such officers and employees; and
- (d) establish a staff welfare and social security schemes for the benefit of such officers and employees and
25 make contribution to any such schemes.

(3) The Council may make rules in respect of all or any of the matters referred to in subsection (2).

(4) The Council shall not however appoint any person who has been dismissed from any previous position held by
30 such person in the public or private sector as an officer or an employee of the Council.

23. (1) At the request of the Council any officer in the public service may, with the consent of that officer and the Secretary to the Ministry under which that officer is employed, and the Secretary to the Ministry of the Minister assigned the subject of Public Administration, be temporarily appointed to the staff of the Council for such period as may be determined by the Council or with like consent, be permanently appointed to such staff. Public officers to be appointed to the Staff of the Council.
- 5
- (2) Where any officer in the public service is temporarily appointed to the staff of the Council, the provisions of section 14(2) of the National Transport Commission Act, No.37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.
- 10
- (3) Where any officer in the public service is permanently appointed to the staff of the Council, the provisions of section 14(3) of the National Transport Commission Act, No.37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.
- 15
- (4) Where the Council employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.
- 20
24. (1) The Council shall appoint one of the Chartered Engineers as the Registrar, who shall be the Secretary of the Council. Registrar.
- 25
- (2) The Registrar appointed under this section shall not be a member of the Council.
- 30
25. The Registrar shall, in accordance with the provisions of this Act and regulations made thereunder maintain the registers of the engineering practitioners substantially in the Form specified in the Schedule B hereto. Registers to be kept by Registrar.

PART VI

FINANCE

- 26.** (1) The Council shall have its own fund. Fund of the Council.
- (2) There shall be credited to the Fund of the Council—
- 5 (a) all such sums of money as may be voted from time to time by Parliament for the use of the Council;
- (b) all such sums of money as are received by the Council in the exercise and discharge of its powers and functions under this Act; and
- 10 (c) all such sums of money as are received by the Council as loans, grants and donations from sources within or outside Sri Lanka.
- (3) There shall be paid out of the Fund of the Council all
- 15 such sums of money required to defray the expenditure incurred by the Council in the exercise and performance of its powers and functions under this Act.
- 27.** The Council may open and maintain any account with any State Bank as it may think appropriate, and such
- 20 account shall be operated in accordance with prevailing financial regulations of the Government pertaining to financial transactions of public corporations. Council to Maintain accounts.
- 28.** (1) The financial year of the Council shall be the calendar year. Financial year and audit of accounts.
- 25 (2) The Council shall cause proper books of accounts to be kept of the income and expenditure assets and liabilities and all other financial transactions of the Council.
- (3) For the purpose of presenting a true and fair view of the financial performance and financial condition of the

Council, the Council shall prepare the accounts in accordance with the Sri Lanka Accounting Standards adopted by the Institute of Chartered Accountants of Sri Lanka under the Sri Lanka Accounting and Auditing Standards Act, No. 15 of 1995.

(4) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of the accounts of the Council.

29. Moneys belonging to the Council may, with the approval of the Prime Minister and with the concurrence of the Minister assigned the subject of Finance, be invested in Government approved securities.

Investment
of funds.

30. (1) The Council may, with the written consent of the Prime Minister and the Minister assigned the subject of Finance and in accordance with the terms of any general authority given, borrow or obtain on credit terms such sums as the Council may require for meeting the obligations of the Council.

Borrowing
powers of the
Council.

(2) The aggregate of the amount outstanding in respect of any loans raised by the Council under this section shall not at any time exceed such amount as may be determined by the Prime Minister.

PART VII

GENERAL

31. (1) The Council shall within six months of the end of each financial year, submit to the Prime Minister an annual report of the activities carried on by the Council during that financial year, and cause a copy each of the following documents relating to that year to be attached to the report—

Annual
Report.

(a) the audited Accounts of the Council for the year along with the Auditor-General's report;

- (b) a report of proposed activities for the year immediately following, the year to which such report and accounts relates.

(2) The Prime Minister shall lay copies of the report and documents submitted under subsection (1) before Parliament within six months from the date of receipt of such report.

32. Every member of the Council and all officers and employees of the Council shall, before entering upon his duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Council, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except –

Declaration of secrecy.

(a) when required to do so by a court of law; or

- (b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.

33. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the Chief Executive Officer or any officer of the Council any of its powers or functions and any such officer shall exercise or perform such power or function in the name and on behalf, of the Council.

Delegation of powers of the Council.

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise or perform any power or function so delegated and may at any time revoke any such delegation.

34. (1) The Prime Minister may from time to time, issue to the Council such general or special directions in writing as to the exercise, and performance of its powers and functions and it shall be the duty of the Council to give effect to such directions.

Directions by the Prime Minister.

(2) The Prime Minister may direct the Council to furnish to him in such form as he may require, returns, accounts and any other information relating to the work of the Council, and it shall be the duty of the Council to give effect to such directions.

35. The Chief Executive Officer and the officers and employees of the Council shall be deemed to be public officers within the meaning of and for the purposes of the Penal Code.

Officers and employees of the Council deemed to be public officers.

36. The Council shall be deemed to be a Scheduled Institution within the meaning and for the purposes of the Bribery Act and the provisions of that Act shall be construed accordingly.

Council deemed to be a Scheduled institution.

37. (1) Any expense incurred by the Council in any suit or prosecution brought by or against it before any court, shall be paid out of the Fund of the Council and any costs paid to or recovered by the Council in any such suit or prosecution shall be credited to the Fund of the Council.

Expenses in suit or prosecution to be paid out of the Fund.

(2) Expenses incurred by any member, the Chief Executive Officer or any officer or employee of the Council in any suit or prosecution brought against such person before any court or tribunal in respect of any act which is done or purported to be done by such person under the provisions of this Act or any other written law or on the direction of the Council shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Council, unless such expenses are recoverable by such person in such suit or prosecution.

38. (1) The Prime Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

Regulations.

(2) Every regulation made by the Prime Minister shall be published in the *Gazette* and shall come into operation on the date of such publication, or on such later date as may be specified in the regulation.

5 (3) (a) Every regulation made by the Prime Minister shall, within three months after its publication in the *Gazette*, be brought before Parliament for approval.

 (b) Any such regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval,
10 but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Prime Minister is so deemed to be rescinded shall be published in the *Gazette*.

15 **39.** (1) Subject to the provisions of this Act, the Council Rules.
may make rules in respect of all matters for which rules are authorized or required to be made under this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Council may
20 make rules in respect of all or any of the following matters:—

- (a) registration fee of the engineering practitioners;
- (b) the procedure at meetings of the Council;
- (c) the appointment, suspension, removal, duties and remuneration of officers and employees of the
25 Council;
- (d) for keeping of accounts of the receipts and expenses, in carrying out the provisions of this Act;

- (e) providing for roles, responsibilities and competence of different categories of the engineering practitioners registered under this Act;
- 5 (f) for suspension and removal of names from the registers of the engineering practitioners; and
- (g) the manner in which the registers to be maintained.

(3) Every rule made by the Council shall be published in the *Gazette*.

- 40.** (1) Every person who contravenes any of the provisions of this Act or any other regulation made thereunder, commits an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one hundred thousand rupees or to both such fine and imprisonment.
- 10 provisions of this Act or any other regulation made thereunder, commits an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one hundred thousand rupees or to both such fine and imprisonment.
- 15

Offences and penalties.

(2) Where an offence under this Act is committed by a body of persons, then, if that body of persons is-

- (a) a body corporate, every director or other officer of that body corporate;
- 20 (b) a firm, every partner of that firm; and
- (c) an unincorporated body other than a firm, every individual who is a member of such body and every officer of that body responsible for its management and control,

25 shall be guilty of an offence:

Provided however, that no such person shall be deemed to be guilty an offence if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

41. In this Act unless the context otherwise requires:- Interpretation.

“Engineering Practitioner” means –

- (a) a Chartered Engineer;
 - (b) an Associate Engineer;
 - 5 (c) an Affiliate Engineer;
 - (d) an Incorporated Engineer;
 - (e) an Engineering Diplomate; or
 - (f) an Engineering Technician,
- 10 who possesses corresponding qualifications specified in Schedule A hereto;

“prescribed” means prescribed by regulations made under this Act.

42. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

(Section 15)

SCHEDULE A

Qualifications of the Engineering Practitioners

| <i>Engineering Practitioner</i> | <i>Qualifications</i> |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chartered Engineer | Chartered Engineer of the Institution of Engineers, Sri Lanka established by the Institution of Engineers, Sri Lanka Act, No.17 of 1968 and recognized by the Council. |
| Associate Engineer | Four year Full-time degree in Engineering recognized by the Institution of Engineers, Sri Lanka established by the Institution of Engineers, Sri Lanka Act, No.17 of 1968 |

| | |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | or an Associate Member of the Institution of Engineers, Sri Lanka established by the Institution of Engineers, Sri Lanka Act, No.17 of 1968 and recognized by the Council. |
| Affiliate Engineer | Three year full time degree in Engineering recognized by the Institution of Engineers, Sri Lanka established by the Institution of Engineers, Sri Lanka Act, No.17 of 1968 and recognized by the Council. |
| Incorporated Engineer | Incorporated Engineer of the Institution of Incorporated Engineers, Sri Lanka established by the Institution of Incorporated Engineers of Sri Lanka (Incorporation) Act, No. 64 of 1992 and recognized by the Council. |
| Engineering Diplomat | Diploma in Engineering from a recognized University or Technical or Technological Institute recognized by the Institution of Incorporated Engineers of Sri Lanka (Incorporation) Act, No. 64 of 1992 and recognized by the Council. |
| Engineering Technician | <p>(i) National Vocational Qualification Level IV of Engineering Technology or equivalent qualification recognized by the Tertiary and Vocational Education Commission established by the Tertiary and Vocational Education Act, No. 20 of 1990 and recognized by the Council.</p> <p>(ii) one year full-time academic course in Engineering Technology and has gained one year industrial experience in the relevant field or a holder of a Diploma or Certificate in Technology by a University or a Technical or Technological Institute of the Government of Sri Lanka and recognized by the Council.</p> |

(Section 25)

SCHEDULE B

Registers of the engineering practitioners

PART I

**Register of the Chartered Engineers, Associate Engineers and
Affiliate Engineers**

| Registration No. | Name | Address | Date of Registration | Qualification | Registration fee |
|---------------------|------|---------|-------------------------|---------------|---------------------|
| | | | | | |
| | | | | | |

PART II

**Register of the Incorporated Engineers, and Engineering
Diplomates**

| Registration No. | Name | Address | Date of Registration | Qualification | Registration fee |
|---------------------|------|---------|-------------------------|---------------|---------------------|
| | | | | | |
| | | | | | |

PART III

Register of the Engineering Technicians

| Registration No. | Name | Address | Date of Registration | Qualification | Registration fee |
|---------------------|------|---------|-------------------------|---------------|---------------------|
| | | | | | |
| | | | | | |

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