

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY

- Regulation
1. Citation and commencement.
 2. Interpretation.

PART II ADMINISTRATION

3. Meeting of the Board.
4. Notice of meetings.
5. Votes.
6. Proxies not admitted.
7. Minutes.
8. Committees.
9. Secretary.
10. Bank account.
11. Cheque.
12. Accounts.
13. Expenses of the Board.
14. Audit.
15. Financial year.

PART III REGISTRATION OF REGISTERED ENGINEERS

16. Forms of application.
17. Time limit for the Board to decide on application.
18. Registration fee and failure to pay the fee.
19. Forms of certificates of registration.
20. Renewal fee.
21. Fee for reinstatement.
22. Practical experience.

PART III A INVESTIGATING COMMITTEE

- 22A. Complaints against registered Engineer or Engineering Consultancy Practice made in writing.
- 22B. Investigation by the Investigating Committee.
- 22C. Hearing by the Board.

PART IV
CODE OF PROFESSIONAL CONDUCT

Regulation

23. Conduct of Registered Engineer.
24. Responsibility to employer, client or profession.
25. Discharge of duties.
26. Reputation etc. of a Registered Engineer not to be injured.
27. Canvassing and advertising prohibited.
28. A registered Engineer in an Engineering Consultancy Practice not to practise with any person whose registration has been cancelled.
29. Restrictions on making payments or placing contracts.
30. Repealed by Act 138.
31. A registered Engineer not to intervene or to take over the work of another.
32. Restrictions on being a director, member or shareholder of contracting and manufacturing company, etc.
33. Disclosure of interest.

PART V
ENGINEERING CONSULTANCY PRACTICE

34. Form of application.
35. Certificate of registration.
36. Renewal of certificate of registration and reinstatement fee.

PART VI
PROFESSIONAL ASSESMENT EXAMINATION

37. Form of application to sit for Professional Assessment Examination.
38. Professional Assessment Examination.

PART VII
REVOCATION

39. Revocation.

SCHEDULE I

SCHEDULE II

REGISTRATION OF ENGINEERS ACT 1967
REGISTRATION OF ENGINEERS REGULATIONS 1990
(Revised 2003)

IN exercise of the powers conferred by section 26 of the Registration Of Engineers Act 1967 (Act 138), the Board, with the approval of the Minister, makes the following regulations:

PART I

PRELIMINARY

1. (1) These Regulations may be cited as the Registration of Engineers (Amendment) Regulations 2003. **Citation and commencement**

(2) These Regulations come into operation on 10th November 2003.*

(3) All acts done after the 10th November 2003 and before the publication of these Regulations shall be deemed to have been lawfully done under these Regulations as if these Regulations were in force when the same were done

2. In these Regulations, unless the context otherwise requires - **Interpretation.**

"Board" means the Board of Engineers established by section 3(1) of the Act;

"President" means the President of the Board appointed under section 3(2) of the Act;

"Registrar" means the Registrar of Engineers appointed under section 6(1) of the Act;

"Secretary" means the Secretary appointed by the Board under regulation 9.

PART II

ADMINISTRATION

3. (1) The Secretary shall convene a meeting of the Board whenever requested to do so by the President or in writing by not less than five members of the Board. **Meetings of the Board.**

(2) The Secretary shall consult the president on any business other than of a routine nature requiring attention before each meeting of the Board

4. (1) Not less than fourteen day's notice in writing shall be given specifying the place, date and time of a meeting and the business to be conducted in such meeting. **Notice of meetings.**
- (2) The accidental omission to give notice of a meeting under this regulation to one or more members of the Board or the non-receipt thereof shall not in any manner affect the validity of or prejudice anything done or agreed to at such meeting.
5. A resolution shall be proposed and seconded before being put to the vote. Voting shall be by show of hands or by secret ballot as may be decided by the President or the member presiding. A declaration by the President or the member presiding that a resolution has been carried by a particular majority shall be conclusive, and an entry to that effect in the minutes of the meeting shall be conclusive evidence thereof without proof of the number or proportion of votes recorded in favour of or against such resolution. **Votes.**
6. Votes shall only be given by members present and voting. **Proxies not admitted.**
7. Minutes of every meeting shall be kept by the Secretary and such minutes if purporting to be signed by the President or the member presiding of the next succeeding meeting shall be conclusive evidence of the facts stated therein. **Minutes.**
8. (1) The Board may from time to time by resolution appoint committees from amongst its members or persons whom the Board considers suitable; and the Board may by resolution at any time dissolve any committee so appointed. **Committees.**
- (2) A committee appointed under sub-regulation (1) may invite any person to attend its meeting and to take part in its deliberation but such person shall have no vote.
- (3) The Registrar and the Secretary shall be *ex-officio* members of all committees.
9. (1) The Board may appoint a person to act as Secretary to the Board. **Secretary.**
- (2) The Secretary shall keep the minutes of all meetings of the Board and its committees and shall send notices of meetings and perform such other functions as may be determined by the Board.
- (3) The Secretary shall receive and be responsible for all monies payable to the Board and shall present —
- (a) at each meeting of the Board a statement of account showing receipts and expenditure as on the last day of the month preceding the month of the meeting; and
- (b) not later than 30th June in each year the audited accounts for the preceding financial year.

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| 10. | All payments received shall be deposited to the credit of the account of the Board with a bank approved by the Board, provided that the Secretary may keep as petty cash a sum not exceeding one thousand ringgit. | Bank account. |
| 11. | All cheques on the bank account of the Board shall, unless and until otherwise from time to time resolved by the Board, be signed by the President or in his absence by a member appointed for that purpose by the Board and two other members of the Board. | Cheque. |
| 12. | (1) The Board shall cause to be kept and maintained proper accounts and records relating to - (a) the assets and liabilities of the Board; (b) the sums of money received and expended by or under the authority of the Board. (2) The books of accounts and records shall be kept in the custody of the Secretary or at such place as the Board may determine. | Accounts. |
| 13. | (1) The President, the Registrar and the Secretary may be paid from the funds of the Board such remuneration as the Board may determine from time to time. (2) There may be paid to members of the Board and members of committees such allowances for attending meetings of the Board or the committee thereof, such reasonable travelling expenses and subsistence allowances for being away from their place of residence for performing the duties of the Board. | Expenses of the Board. |
| 14. | The accounts of the Board shall at least once every year be audited. | Audit. |
| 15. | The financial year of the Board shall end on 31 st December. | Financial year. |

PART III

REGISTRATION OF REGISTERED ENGINEERS

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| 16. | (1) Every person desirous of being registered as a registered Engineer under the Act shall make an application to the Board in the form as specified in Schedule I. (2) [Deleted] (3) [Deleted] | Forms of application. |
| 17. | Every application for registration shall be decided upon by the Board within 4 months from the date of receipt of such application. | Time limit for the Board to decide on application. |
| 18. | (1) Every application for registration as a Graduate Engineer shall be accompanied with a processing fee as specified in Schedule II, which is not refundable, and the fee must be in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board. | Fees for registration. |

(2) Subject to subregulation (2A), every application for registration as a registered Engineer, other than as a Graduate Engineer, shall be accompanied with —

- (a) a processing fee as specified in Schedule II, which is not refundable; and
- (b) a registration fee as specified in Schedule II, which shall be refunded to the applicant who is unsuccessful in his application,

and the fees must be in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board.

(2A) A Graduate Engineer shall submit an application for registration as a Professional Engineer within one year from the date he is informed by the Board that he has passed the Professional Assessment Examination as mentioned in regulation 38.

(3) [Deleted]

(4) [Deleted]

19. (1) An engineer registered under the Act shall be issued with a certificate of registration duly signed by the President and the Registrar and sealed with the common seal of the Board

Forms of certificates of registration.

(2) A certificate of registration issued to a registered Engineer shall be in the form as specified in Schedule I.

(3) [Deleted]

(4) [Deleted]

20. (1) A registered Engineer, other than a Graduate Engineer, desirous of renewing his registration under section 13(2) of the Act shall -

Renewal fee.

(a) submit to the Board -

- (i) an application for renewal of registration in the form as specified in Schedule I on or before the date as specified in Schedule II; and
- (ii) a renewal-fee as specified in Schedule II in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board; and

(b) satisfy such conditions as determined by the Board.

(2) Where the application for renewal of registration under subregulation (1) is approved by the Board, the Board shall issue to the registered Engineer mentioned in that subregulation a certificate of registration in the form as specified in Schedule I.

21. Any registered Engineer, other than a Graduate Engineer whose name has been removed from the Register pursuant to section 16 (b) of the Act for failure to renew his registration shall, when notifying the Registrar of his desire to be reinstated pursuant to section 17 (2) of the Act, pay a reinstatement fee as specified in Schedule II. **Fee for reinstatement.**
22. (1) The practical experience that a Graduate Engineer is required to obtain under section 10(1) (b) of the Act so as to be entitled to apply for registration as a Professional Engineer shall be carried out to the satisfaction of the Board, for a period of at least three years, and shall include the following - **Practical experience.**
- (a) the Graduate Engineer must undergo -
- (i) at least two years of general training that will provide a sound basis for professional development; and
- (ii) at least one year of professional career development and training providing wide exposure to the various managerial and technical expertise in engineering practice,
- where at least one year of the training must be obtained in Malaysia under the supervision of a Professional Engineer in the same branch of engineering as that practised by the Graduate Engineer, although Professional Engineers in other related branches of engineering may be accepted with the prior approval of the Board; and
- (b) the Graduate Engineer must have satisfactory attendance in courses and professional development programmes determined by the Board, and conducted by the Board or institutions approved or accredited by the Board.
- (2) Notwithstanding sub-regulation (1), if the Board is satisfied for sufficient cause or reason, the Board may in any particular case exempt, either wholly or partially, or enhance the requirement as to the practical experience required to be obtained in Malaysia or the requirement as to the supervision by a Professional Engineer in Malaysia.
- (3) A Graduate Engineer applying for registration as a Professional Engineer under section 10 (2) of the Act shall submit with his application proof in writing of his practical experience. Such submission shall include details and description of the practical experience and a statement by the supervisory Professional Engineer under subregulation (1) in the case of experience obtained in Malaysia or by an engineer acceptable to the Board in the case of experience obtained outside Malaysia, that the Graduate Engineer has satisfactorily completed his practical experience.

Part III A

INVESTIGATION COMMITTEE

- 22A (1) Any person who seeks to make a complaint against a registered Engineer or an Engineering consultancy practice which renders the exercise of the powers of the Board expedient, shall make the complaint in writing to the Registrar, who shall then refer that complaint to the Board.
- (2) Where the Board has received a complaint in pursuance of subregulation (1) and it is satisfied that there may be sufficient grounds for the complaint, it shall appoint an Investigating Committee to investigate the complaint.
- 22B (1) Prior to the commencement of investigations by the Investigating Committee, the Registrar shall forward a notice by registered post to the registered Engineer or Engineering consultancy practice at his or its last known address, which shall -
- (a) state the complaint against the registered Engineer or Engineering consultancy practice;
 - (b) require the registered Engineer or Engineering consultancy practice to provide a written explanation regarding the complaint within such period as specified in the notice, but such period shall not be less than fourteen days from the date of the notice; and
 - (c) request the registered Engineer or Engineering consultancy practice to attend and give evidence before the Investigating Committee, where required to do so.
- (2) The Investigating Committee shall, after the period as specified in paragraph (1)(b), commence the investigation of the complaint and shall give the registered Engineer or Engineering consultancy practice reasonable opportunity to be heard, where due consideration shall be given to any explanation that may be given by the registered Engineer or Engineering consultancy practice.
- (3) The Investigating Committee shall upon completion of its investigation of the complaint, submit a report together with its recommendations, if any, to the Board for its consideration.
- (4) Subject to the provisions of the Act and these Regulations, the Investigating Committee may regulate its own procedures in such manner as it deems fit.
- 22C (1) Upon receipt of a report from Investigating Committee and its recommendations, if any, the Board shall, where it is satisfied that there are grounds for the complaint against the registered Engineer or Engineering consultancy practice –

Complaints against registered Engineer or Engineering consultancy practice made in writing.

Investigation by Investigating Committee.

Hearing by the Board.

- (a) cause a charge containing the facts of the complaint alleged to have been committed by the registered Engineer or Engineering consultancy practice to be forwarded by registered post to him or it at his or its last known address;
- (b) request the Engineering consultancy practice or registered Engineer to attend the hearing to be convened by the Board in pursuance of section 7 or 15 of the Act; and
- (c) inform the Engineering consultancy practice or registered Engineer that in compliance with subparagraph 7A(6)(a)(ii) or subsection 15(2) of the Act, respectively, an opportunity to be heard shall be given to it or him, where -
 - (i) in the case of the Engineering consultancy practice, it may be heard by a representative appointed in writing or by counsel;
 - (ii) in the case of the sole proprietor, or the partner, director, shareholder or employee of the Engineering consultancy practice, he may be heard either personally or by counsel; or
 - (iii) in the case of the registered Engineer, he may be heard either personally or by a person appointed by him.

(2) Where the registered Engineer or Engineering consultancy practice, without reasonable excuse, fails to attend the hearing convened by the Board, the Board may proceed to hear the case notwithstanding the absence of the registered Engineer or Engineering consultancy practice, if the Board is satisfied that the provisions in subregulation (1) have been complied with.

PART IV

CODE OF PROFESSIONAL CONDUCT

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| 23. | Every registered Engineer shall at all times uphold the dignity, high standing and reputation of his profession. | Conduct of Registered Engineer. |
| 24. | A registered Engineer in his responsibility to his employer, client or the profession shall have full regard to the public interest. | Responsibility to employer, clients or profession. |
| 25. | (1) A registered Engineer shall discharge his duties to his employer or client as the case may be with complete fidelity. (2) Except with the permission of his employer, a registered Engineer shall not accept any remuneration for services rendered other than from his employer. | Discharge of duties. |
| 26. | A registered Engineer shall not maliciously injure or attempt to maliciously injure whether directly or indirectly, the professional reputation, prospects or business of another registered Engineer. | Reputation etc. of a Registered Engineer not to be injured. |

27. A registered Engineer shall not —

**Canvassing
and advertising
prohibited.**

- (a) canvass or solicit professional employment;
- (b) offer to make by way of commission or any other payment for the introduction of his professional employment;
- (c) except as permitted by the Board, advertise in any manner or form in connection with his profession; or
- (d) provide professional engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties.

28. A registered Engineer in an Engineering consultancy practice shall not practise engineering with any person whose registration has been cancelled.

**A registered
Engineer in an
Engineering
consultancy
practice not to
practise with
any person
whose
registration has
been cancelled.
Restrictions on
making
payments or
placing
contracts.**

29. A registered Engineer in an Engineering consultancy practice shall not be a medium of payment made on his client's behalf unless he is so requested by his client nor shall he, in connection with work on which he is employed, place contracts or orders except with the authority of and on behalf of his client.

30. *(Repealed by Government Gazette P.U. (A) 424/2003)*

31. A registered Engineer shall not directly or indirectly -

**A registered
Engineer not to
intervene or to take
over the work of
another.**

- (a) supplant or attempt to supplant another registered Engineer;
- (b) intervene or attempt to intervene in or in connection with engineering work of any kind which to his knowledge has already been entrusted to another registered Engineer; or
- (c) take over any work of that other registered Engineer acting for the same client unless he has -
 - (i) obtained the consent of that other registered Engineer; or
 - (ii) been formally notified by the client that the services of that other registered Engineer have been terminated in accordance with the provisions of any contract for professional engineering services entered into between that other registered Engineer and the client, provided always that in the case of dispute over non-payment of fees or quantum of any outstanding fees under the contract, the client may request the Board to be the stakeholder.

32. (1) Except with the prior approval of the Board, a registered Engineer in an Engineering Consultancy Practice shall not be a director or executive of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business related to building or engineering.
- (2) If such approval is given, such registered Engineer shall not undertake any contract work wherein he is engaged to provide professional engineering services in such project unless it is in respect of a "design and build" project.
33. Every registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a 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.

Restrictions on being a director, member or shareholder of contracting and manufacturing company, etc.

Disclosure of interest.

PART V

REGISTRATION OF ENGINEERING CONSULTANCY PRACTICE

34. (1) A sole proprietorship, partnership or body corporate desirous of being registered as an Engineering consultancy practice under section 7A or 7B of the Act shall submit an application to the Board in the form as specified in Schedule I.
- (2) Every application for registration as an Engineering consultancy practice shall be accompanied with —
- (a) a processing fee as specified in Schedule II, which is not refundable; and
 - (b) a registration fee as specified in Schedule II, which shall be refunded to the applicant who is unsuccessful in its application,
- and the fees must be in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board.
35. When the application made under regulation 34 is approved by the Board, the Board shall issue a certificate of registration to the applicant in the form as specified in Schedule I.
36. (1) An Engineering consultancy practice desirous of renewing its registration under section 13(2) of the Act shall —
- (a) submit to the Board —
 - (i) an application for renewal of registration in the form as specified in Schedule I on or before the date as specified in Schedule II; and

Form of application.

Certificate of registration for Engineering consultancy practice. Renewal of certificate of registration and reinstatement fee.

- (ii) a renewal fee as specified in Schedule II in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board; and

(b) satisfy such conditions as determined by the Board.

(2) Where the application for renewal of registration under subregulation (1) is approved by the Board, the Board shall issue to the Engineering consultancy practice a certificate of registration in the form as specified in Schedule I.

(3) Any Engineering consultancy practice whose name has been removed from the Register pursuant to section 16(b) of the Act for failure to renew its registration shall, when notifying the Registrar of its desire to be reinstated pursuant to section 17(2) of the Act, pay a reinstatement fee as specified in Schedule II.

PART VI

PROFESSIONAL ASSESSMENT EXAMINATION

37. Every Graduate Engineer having the practical experience as mentioned in regulation 22 and desirous of sitting for the Professional Assessment Examination for the purpose of applying to be registered as a Professional Engineer shall submit to the Board his application in the form as specified in Schedule I and accompanied by a fee of two hundred ringgit in the form of money order, bank draft, cheque or any other form as determined by the Board, made payable to the Board. **Form of application to sit for Professional Assessment Examination.**
38. The Professional Assessment Examination that a Graduate Engineer has to pass under section 10(2)(i)(b) of the Act in order to be entitled to be registered as a Professional Engineer shall consist of - **Professional Assessment Examination.**
- (a) a professional interview conducted by not less than two examiners appointed by the Board;
 - (b) a written paper on any relevant subject related to the practical experience which he has obtained;
 - (c) a written paper on his understanding of the Code of Professional Conduct; and
 - (d) any other examination, written or otherwise, to be determined by the Board.

PART VII

REVOCATION

39. The Registration of Engineers Regulations 1972 are revoked with effect from the commencement of these Regulations. **Revocation.**

SCHEDULE I

Application Form:

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| Borang A | : | Graduate Engineer |
| Borang B1 | : | Professional Engineer |
| Form B2 | : | Temporary Engineer |
| Borang B3 | : | Accredited Checker |
| Borang E | : | Engineering Consultancy Practice |
| Borang G | : | Professional Assessment Examination |
| Borang H | : | Renewal of Registration as a Registered Engineer |
| Borang H1 | : | Renewal of Registration as an Engineering Consultancy Practice |

Certificate of Registration:

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|-----------|---|----------------------------------|
| Borang C | : | Graduate Engineer |
| Borang D1 | : | Professional Engineer |
| Form D2 | : | Temporary Engineer |
| Borang D3 | : | Accredited Checker |
| Borang F | : | Engineering Consultancy Practice |

SCHEDULE II

Fees for processing, registration, renewal and reinstatement of registration.