

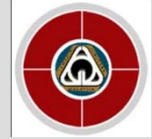


Professional Practice and Code of Conduct for Engineers

Dato' Paduka Ir Hj Keizrul Abdullah
30th May 2011

Topics Covered

Board of Engineers



Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**

Topics Covered

Board of Engineers



Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**



REGISTRATION OF ENGINEERS ACT 1967

Act of Parliament

First enacted as Act 66 (of 1967)

**Regulations Governing the Engineering
Profession, Practice & Services**

Intent of Legislation

Board of Engineers



Malaysia

Preamble → Registration of Engineers Act 1967 (Revised 2007) - REA

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.

Intent of Legislation

Board of Engineers



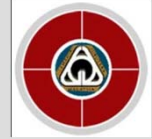
Malaysia

Preamble → Registration of Engineers Act 1967 (Revised 2007) - REA

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.

Intent of Legislation

Board of Engineers



Malaysia

Preamble → Registration of Engineers Act 1967 (Revised 2007) - REA

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.**

Intent of Legislation

Board of Engineers



Malaysia

Preamble → Registration of Engineers Act 1967 (Revised 2007) - REA

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.

Board of Engineers

Board of Engineers



Malaysia

Section 3(1), Registration of Engineers Act 1967 (Revised 2007), REA

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

Functions of BEM (Section 4)

Board of Engineers



Malaysia

- **Keep and maintain the Register**
- **Approve or Reject Applications for Registration**
- **Fix the Scale of Fees**
- **Assess Academic Qualification**
- **Determine and Regulate the Conduct and Ethics of the Engineering Profession**
- **Hear and determine disputes relating to professional conduct or ethics of registered Engineers**

Functions of BEM (Section 4)

Board of Engineers



Malaysia

- **Act as a stakeholder in a contract for professional engineering services when requested**
- **Conduct Professional Development programmes**
- **Conduct Professional Assessment Examination**
- **Appoint any person to represent Board**
- **Generally, to do all such acts, matters and things as are necessary to carry out the provisions of the Act**



REGISTRATION OF ENGINEERS

The Register

Board of Engineers



Malaysia

Section 5(1), REA

The Register shall be in five Parts → Part A to Part E

Category of Registration

Board of Engineers



Malaysia

- A. Professional Engineer**
- B. Graduate Engineer**
- C. Temporary Engineer**
- D. Engineering Consultancy Practice (ECP)**
 - i) Body Corporate**
 - ii) Multi Disciplinary**
 - iii) Sole Proprietorship**
 - iv) Partnership**
- E. Accredited Checker**

Q & A

Board of Engineers



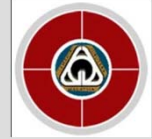
Malaysia

What is an Engineering Consultancy Practice (ECP)?

- **Section 2** → An ECP means a sole proprietorship, partnership or body corporate, providing professional engineering services, registered under Section 7A or 7B

Q & A

Board of Engineers



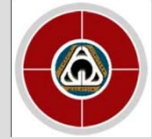
Malaysia

What is an Engineering Consultancy Practice (ECP)?

- **Section 2** → An ECP means a **sole proprietorship**, partnership or body corporate, providing professional engineering services, registered under Section 7A or 7B

Q & A

Board of Engineers



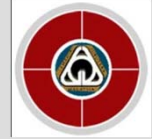
Malaysia

What is an Engineering Consultancy Practice (ECP)?

- **Section 2** → An ECP means a **sole proprietorship, partnership** or body corporate, providing professional engineering services, registered under **Section 7A or 7B**

Q & A

Board of Engineers



Malaysia

What is an Engineering Consultancy Practice (ECP)?

- **Section 2** → An ECP means a **sole proprietorship, partnership or body corporate**, providing professional engineering services, registered under **Section 7A or 7B**

Q & A

Board of Engineers



Malaysia

What is a Body Corporate?

- **Section 2** → A “body corporate providing professional engineering services” means a body corporate, incorporated under the Companies Act 1965, which provides professional engineering services

Q & A

Board of Engineers



Malaysia

What is Professional Engineering Services?

- **Section 2** → 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

The Register

Board of Engineers



Malaysia

Section 5(2), REA

There shall be indicated against the names of each registered Engineer or ECP - the branch or branches of engineering in which he or it is qualified to practise

The Register

Board of Engineers



Malaysia

Section 5(2), REA

There shall be indicated against the names of each registered Engineer or ECP - the **branch or branches of engineering in which he or it is **qualified to practise****

Topics Covered

Board of Engineers



Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**

Q & A

Board of Engineers



Malaysia

What is Ethics?

- **Ethics → Major branch of philosophy → encompassing proper conduct and good living**
- **Synonym for “morally correct” or justified → set of justified moral principles of obligation, rights and ideals**
- **Issue of ethics arise because of the specialist knowledge of the Professional, and how the use of this knowledge should be governed when providing a service to the public**

Q & A

Board of Engineers



Malaysia

Example :

- **Engineer → possess specialist knowledge and training**
- **Client → places trust in the Engineer that the service provided will be to the client's best interest**
- **Engineer → must not use the specialist knowledge and training to exploit the Client → incorporating overly high factor of safety in his designs**

Q & A

Board of Engineers



Malaysia

What is a Code of Professional Conduct?

- **A set of internally enforced rules or regulations that members of a Profession must follow**
- **The main intention is to ensure public safety, prevent exploitation of the Client, and preserve the integrity of the Profession**
- **Code of Professional Conduct → Given in Part IV of Registration of Engineers Regulations 1990**
- **Failure to observe → infringement of REA**



Code of Professional Conduct



Regulation 23

Conduct of Registered Engineer

Every registered Engineer shall at all times uphold the dignity, high standing and reputation of his profession



Regulation 24

Responsibility to employer, client or profession

A registered Engineer in his responsibility to his employer, client or the profession shall have full regard to the public interest



Regulation 25

Discharge of duties

(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



Regulation 26

Reputation etc. of a registered Engineer not to be injured

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



Regulation 27

Canvassing and advertising prohibited

A registered Engineer shall not :

- (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;**



Regulation 27

Canvassing and advertising prohibited

A registered Engineer shall not :

- (c) except as permitted by the Board, advertise in any manner or form in connection with his profession; or**



Regulation 27

Canvassing and advertising prohibited

A registered Engineer shall not :

- (d) provide professional engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties**



Regulation 28

A registered Engineer in an ECP not to practise with any person whose registration has been cancelled

A registered Engineer in an Engineering Consultancy Practice shall not practise engineering with any person whose registration has been cancelled



Regulation 29

Restrictions on making payments or placing contracts

A registered Engineer in an ECP 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, placed contracts or orders except with the authority of and on behalf of his client



Regulation 30

Restrictions on entering professional partnership

A Professional Engineer in private practice shall not without the approval of the Board enter into a professional partnership with any person other than a Professional Engineer in private practice, a Registered Architect, a Registered Quantity Surveyor or a Licensed Land Surveyor

Deleted in 2003



Regulation 31

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

A registered Engineer shall not directly or indirectly :

(a) supplant or attempt to supplant another registered Engineer;



Regulation 31

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

A registered Engineer shall not directly or indirectly :

(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



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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**



Regulation 31

A registered Engineer shall not directly or indirectly :

(c) take over any work of that other registered Engineer acting for the same client unless he has :

(ii) been formally notified by the client that the services of that other registered Engineer have been terminated



Regulation 32

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

(1) Except with the prior approval of Board, a registered Engineer in an ECP 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



Regulation 32

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

(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



Regulation 33

Disclosure of interest

Every registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a director/member/substantial shareholder in or agent for any contracting/manufacturing company/firm/business or has any financial interest in any such company/firm/business, with which he deals on behalf of his client

Circular 3/2005 - Guidelines

Board of Engineers



Malaysia

Rev. No. 0

Date : 28.6.2004

BEM/RD/PPC/08

Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 3/2005

**GUIDELINES
for
CODE OF PROFESSIONAL CONDUCT**

Circular 3/2005 - Guidelines

Board of Engineers



Malaysia

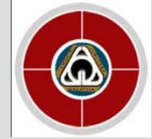
- 1. A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public**



- 1.0 A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public.
- 1.1 A Professional Engineer shall approve and sign only those engineering documents that he has prepared or prepared under his direct supervision.
- 1.2 A Professional Engineer shall certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work, and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.
- 1.3 A Registered Engineer shall not reveal facts, data or information without the prior consent of the client or employer except as authorized or required by law or when withholding of such information is contrary to the safety of the public.
- 1.4 A Registered Engineer having knowledge of any violation of this code and Local Authorities regulations shall report thereon to appropriate professional bodies and, when relevant, also to public authorities and cooperate with the proper authorities in furnishing such information or assistance as may be required.
- 1.5 When the professional advice of a Professional Engineer is overruled and amended contrary to his advice, the Professional Engineer shall, if the amendment may in his opinion give rise to situation that may endanger life and/or property, notify his employer or client and such other authority as may be appropriate and explain the consequences to be expected as a result of his advice being overruled and amended.

Circular 3/2005 - Guidelines

Board of Engineers

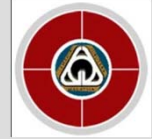


Malaysia

- 1. A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public**
- 2. A Registered Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields in which he is involved**
- 3. A Registered Engineer shall issue public statements only in an objective and truthful manner**

Circular 3/2005 - Guidelines

Board of Engineers



Malaysia

- 4. A Registered Engineer shall act for each employer or clients as faithful agent or trustee**
- 5. A Registered Engineer shall conduct himself honourably, responsibly, ethically and lawfully so as to enhance the honour, reputation and usefulness of the profession**

Do's & Don'ts For Young Engineers

Board of Engineers



Malaysia

Rev.: 0
Date : 9.8.2005

BEM/RD/PPC/12

BRIEF INTRODUCTION TO CODE OF ETHICS FOR YOUNG ENGINEERS

Serial No: 0021

INTRODUCTION

The Board of Engineers Malaysia (BEM) has, from time to time, received enquiries and complaints from the public about the conduct of engineers in relation to the Registration of Engineers Act. BEM has, therefore, produced the guidelines herein that outline the conduct expected of engineers. These guidelines are set out under a number of broad areas relating to the engineering profession.

Do's & Don'ts

1) Registration

Under the Registration of Engineers Act 1967 (Act 138) and subsequent amendments, the most recent being year 2002, it is a requirement of the Law that any person providing engineering services be a qualified person and registered with the Board of Engineers Malaysia. This requirement extends to foreigners who are required to seek registration as Temporary Engineers. The Do's and Don'ts below relate to the requirement of this Act.

| DO's | |
|------|---|
| 1.1 | An engineering graduate with accredited engineering degree must register with the Board of Engineers to take up employment as an engineer |

| DON'Ts | |
|--------|---|
| 1.1 | An engineer should not be the Submitting Person for designs beyond his/her area of competency |
| 1.2 | An engineer should not endorse his PE Stamp and sign on reports or plans not prepared by him. (see also Consultancy - 2.3 of Don't) |
| 1.3 | An engineer should not enter into partnership with any party not permitted under the Engineers Act. |
| 1.4 | An Engineering Consultancy Practice should not provide professional services in any branch of engineering where none of its directors are registered to practise in that branch of engineering. |
| 1.5 | An engineer must not practise in the branch of engineering he is not registered in. |

2) Consultancy

In the Registration of Engineers Act 1967 (Revised 2002), provision is included for the registration of Accredited Checkers and the requirement of Continuing Professional Development (CPD) beginning year 2005.

Topics Covered

Board of Engineers

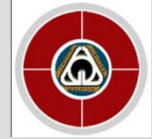


Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**

Offences under REA

Board of Engineers



Malaysia

- REA lists out a number of offences and the penalties that can be meted out
- Two types of contravention :
 - 1) Offender is not registered with BEM
 - 2) Offender is a registered Engineer or ECP
- For Type (1) → RTM case / court case
- For Type (2) → Disciplinary case
- Type (1) offence includes possible imprisonment sentence (**quasi-criminal**)

Type (1) Offence

Board of Engineers



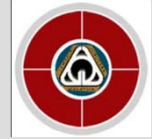
Malaysia

Section 7(1)(a), REA

No person shall, unless he is a registered Professional Engineer, practise, carry on business or take up employment which requires him to carry out or perform professional engineering services

Type (1) Offence

Board of Engineers



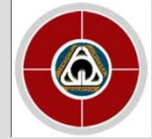
Malaysia

Section 8(1), REA

No person or body, other than a Professional Engineer or an ECP, shall be entitled to submit plans, engineering surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia

Type (1) Offence

Board of Engineers



Malaysia

Section 7(1)(aa), REA

No person* shall, unless he is a Prof. Engineer be entitled to use Ir. or P.Eng. ... or describe himself or hold himself out under any name, style or title ... which may reasonably be construed to imply that he is a Professional Engineer

****If offender is a registered Graduate Engineer, then it can be viewed as a Type (2) offence***

Type (1) Offence

Board of Engineers



Malaysia

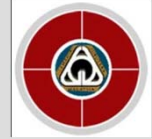
Section 7(1)(b), REA

No person* shall, unless he is a Prof. Engineer use or display any sign, board, card or other device representing or implying that he is a Professional Engineer

****If offender is a registered Graduate Engineer, then it can be viewed as a Type (2) offence***

Type (1) Offence

Board of Engineers



Malaysia

Section 24(a~h), REA

**Obtaining registration by false pretences;
Forges, alters or counterfeits any
certificate of registration;
Impersonating a registered Engineer;
Buy or sell any certificate of registration;
Contravening Section 24A(1) or 24B(5)
(*All the above applicable to Registered
Engineer*)**

Restriction on Employment

Board of Engineers



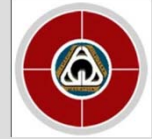
Malaysia

Section 24A(1), REA

No person shall employ a person, sole proprietorship, partnership or body corporate, other than a registered Engineer or ECP, to perform professional engineering services

Assist Investigation by IC

Board of Engineers



Malaysia

Section 24B(5), REA

A person, including a sole proprietor, partner, director, manager or secretary, shall, unless with reasonable excuse :

- (a) Attend and give evidence;**
- (b) Answer truthfully and fully any question put to him,**
- (c) produce any book, document or paper when required to do so by the Investigating Committee**

Offences under REA

Board of Engineers



Malaysia

- REA lists out a number of offences and the penalties that can be meted out
- Two types of contravention :
 - 1) Offender is not registered with BEM
 - 2) Offender is a registered Engineer or ECP
- For Type (1) → RTM case / court case
- For Type (2) → Disciplinary case
- Type (1) offence includes possible imprisonment sentence



Type (2) Offence: Registered Engineer Hearing by DC

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1)(a)-(o), REA

The Disciplinary Committee may make orders against a registered Engineer under any of the following circumstances:

(a) → (o)

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(a) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere;

Type (2) Offence

Board of Engineers



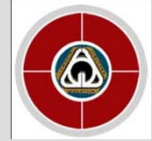
Malaysia

Section 15(1), REA

(b) if he offers or accepts any commission which in the opinion of the DC is an illicit commission;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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 company, firm or business, with which he deals on behalf of his client;

Type (2) Offence

Board of Engineers



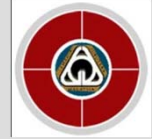
Malaysia

Section 15(1), REA

(d) if his registration under this Act has been obtained by fraud or misrepresentation;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



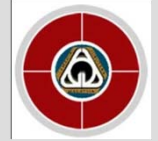
Malaysia

Section 15(1), REA

(g) if he is found by the DC to have contravened, or failed to comply with this Act or any regulations made thereunder;

Type (2) Offence

Board of Engineers



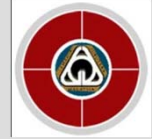
Malaysia

Section 15(1), REA

(h) if he fails to observe any conditions or restrictions subject to which he is registered;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(i) if he is found guilty by the DC of any act or conduct which in the opinion of the DC is infamous or disgraceful;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



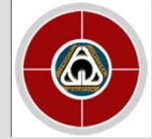
Malaysia

Section 15(1), REA

(I) 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);

Type (2) Offence

Board of Engineers



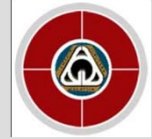
Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

(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;

Type (2) Offence

Board of Engineers



Malaysia

Section 15(1), REA

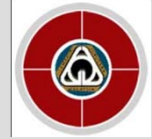
(o) if he fails to discharge his professional duties with due skill, care and diligence.



Type (2) Offence: ECP Hearing by Board

Type (2) Offence

Board of Engineers



Malaysia

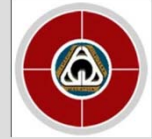
Section 7A(5)(a)-(d), REA

If the Board finds that :

(a) The ECP 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 ECP

Type (2) Offence

Board of Engineers



Malaysia

Section 7A(5)(a)-(d), REA

If the Board finds that :

(b) The composition of the partners, board of directors or shareholders of the ECP does not comply with Section 7B or Subsection (3)

Type (2) Offence

Board of Engineers



Malaysia

Section 7A(5)(a)-(d), REA

If the Board finds that :

(c) The ECP has breached any of the requirements of Subsection (4)

Type (2) Offence

Board of Engineers



Malaysia

Section 7A(5)(a)-(d), REA

If the Board finds that :

(d) The sole proprietor or any partner, director, shareholder or employee of an ECP, being a person registered under the Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in :

(i) paragraph 15(1)(a); or

Type (2) Offence

Board of Engineers



Malaysia

Section 7A(5)(a)-(d), REA

If the Board finds that :

(d) The sole proprietor or any partner, director, shareholder or employee of an ECP, being a person registered under the Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in :

(ii) paragraph 15(1)(b) to (o) {except (e),(f)}

Topics Covered

Board of Engineers



Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**

Penalties - Type (1)

Board of Engineers



Malaysia

Section 24(h), REA

Any person, sole proprietorship, partnership or body corporate who contravenes section 7 or 8, or subsection 7A(1), 24A(1) or 24B(5), shall be guilty of an offence and shall, on conviction, be liable to a fine not > RM 50,000, or to imprisonment for a term not > 3 years, or both

Penalties - Type (1)

Board of Engineers



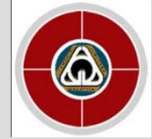
Malaysia

Section 24(h), REA

Any person, sole proprietorship, partnership or body corporate who contravenes section 7 or 8, or subsection 7A(1), 24A(1) or 24B(5), shall be guilty of an offence and shall, on conviction, be liable to a fine not > RM 50,000, or to imprisonment for a term not > 3 years, or both

Penalties - Type (2)

Board of Engineers



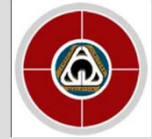
Malaysia

Section 15(1A), REA - Registered Engineer

- (a) Issuance of a written warning or reprimand**
- (b) Imposition of a fine not exceeding RM 50,000**
- (c) Suspension of registration for a period not exceeding 2 years**
- (d) Cancellation of registration**
- (e) Any combination of (a) to (d)**

Penalties - Type (2)

Board of Engineers



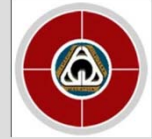
Malaysia

Section 7A(5), REA - ECP

- (aa) Issuance of a written warning or reprimand**
- (bb) Imposition of a fine not exceeding RM 50,000**
- (cc) Suspension of registration for a period not exceeding 2 years**
- (dd) Cancellation of registration**
- (ee) Any combination of (aa) to (dd)**

General Penalties

Board of Engineers



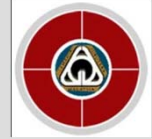
Malaysia

Section 24, REA

**Any person, sole proprietorship, partnership or body corporate who
(*obtaining registration by false pretences*)
..... shall be guilty of an offence and shall,
on conviction, be liable to a fine not >
RM50,000, or to imprisonment for a term
not > 3 years, or both**

General Penalties

Board of Engineers



Malaysia

Section 24, REA

**Any person, sole proprietorship, partnership or body corporate who
(*obtaining registration by false pretences*)
..... shall be guilty of an offence and shall,
on conviction, be liable to a fine not >
RM50,000, or to imprisonment for a term
not > 3 years, or both**

General Penalties

Board of Engineers



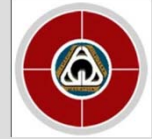
Malaysia

Section 25(1), REA

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 > RM 10,000, or to imprisonment for a term not > 1 year, or both

General Penalties

Board of Engineers



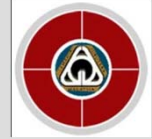
Malaysia

Section 25(1), REA

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 > RM 10,000, or to imprisonment for a term not > 1 year, or both

General Penalties

Board of Engineers



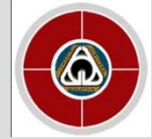
Malaysia

Section 25(3), REA

If a registered Engineer or ECP refuses or fails to comply with an order of the DC 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 > RM 10,000, for individual, or a fine not > RM 50,000 for ECP

General Penalties

Board of Engineers



Malaysia

Section 25(3), REA

If a registered Engineer or ECP refuses or fails to comply with an order of the DC 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 > RM 10,000, for individual, or a fine not > RM 50,000 for ECP

Topics Covered

Board of Engineers



Malaysia

- **Registration of Engineers Act**
- **Ethics and Code of Professional Conduct**
- **Offences under the Act**
- **Penalties under the Act**
- **Case Examples of some Common Offences**

Case Example 1

Board of Engineers



Malaysia

- 1) Engr #1 is registered with the Board as a Graduate Engineer**
- 2) He decided to print name cards with his name printed as 'Ir. Engr #1, P.Eng.'**
- 3) Has Engr #1 committed any offence?**

Offence

Board of Engineers



Malaysia

Section 7(1)(aa), REA

No person shall, unless he is a Prof. Engineer be entitled to use Ir. or P.Eng. ... or describe himself or hold himself out under any name, style or title ... which may reasonably be construed to imply that he is a Professional Engineer

Offence

Board of Engineers



Malaysia

Section 7(1)(aa), REA

No person shall, unless he is a Prof. Engineer be entitled to **use Ir. or P.Eng. ... or describe himself or hold himself out under any name, style or title ... which may reasonably be construed to imply that he is a Professional Engineer**

Case Example 2

Board of Engineers



Malaysia

- 1) Developer AA engages Engr #1 for an industrial project**
- 2) AA is unhappy with the work of Engr #1 and discharges him**
- 3) AA then engages Engr #2 to complete the work**
- 4) Engr #1 complains to the Board on the conduct of Engr #2**
- 5) Has Engr #2 committed an offence under the REA?**



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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**



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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****



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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;**

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

Rev.No.3
Date : 15.4.2006

BEM/RD/PPC/02

Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 1/2006

GUIDELINES

for

AN ENGINEER TAKING OVER THE WORK OF ANOTHER



Regulation 31

A registered Engineer shall not directly or indirectly :

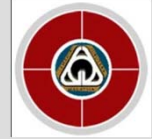
(c) take over any work of that other registered Engineer acting for the same client unless he has :

(i) obtained the consent of that other registered Engineer;

Circular 1/2006 → Consent in writing in a letter to be known as ‘Letter of Release’

Case Example 2

Board of Engineers

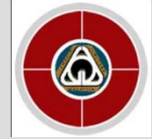


Malaysia

- 1) Developer AA engages Engr #1 for an industrial project**
- 2) AA is unhappy with the work of Engr #1 and discharges him**
- 3) AA then engages Engr #2 to complete the work**
- 4) Engr #1 complains to the Board on the conduct of Engr #2**
- 5) Has Engr #2 committed an offence under the REA?**

Case Example 3

Board of Engineers



Malaysia

- 1) Perbadanan Negeri ** (PN**) owns a piece of land in Kuala Lumpur.**
- 2) PN** engages Developer AA to develop a 25 storey office block.**
- 3) Developer AA engages Engr #1 as their Consultant Structural Engineer**
- 4) Engr #1 completes 70 % of the work**
- 5) Developer AA has financial problems and goes into insolvency**
- 6) The project is taken over by a new company Developer BB**

Case Example 3

Board of Engineers



Malaysia

- 7) BB changes the design from 25 storey to 24 storey office block.**
- 8) BB engages Engr #2 to complete the job**
- 9) Engr #1 complains to the Board on the conduct of Engr #2**
- 10) Has Engr #2 committed an offence?**



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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;**

Engr #2 → No ‘Letter of Release’



Regulation 31

A registered Engineer shall not directly or indirectly :

- (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;**

Engr #2 → No ‘Letter of Release’



Regulation 31

A registered Engineer shall not directly or indirectly :

(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;

Engr #2 → Developer BB ≠ Developer AA

Case Example 3

Board of Engineers



Malaysia

- 7) BB changes the design from 25 storey to 24 storey office block.**
- 8) BB engages Engr #2 to complete the job**
- 9) Engr #1 complains to the Board on the conduct of Engr #2**
- 10) Has Engr #2 committed an offence?**
- 11) Engr #2 claims that no letter of release is necessary as the Client is different.**
- 12) Is Engr #2 correct?**

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

Rev.No.3
Date : 15.4.2006

BEM/RD/PPC/02

Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 1/2006

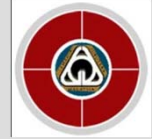
GUIDELINES

for

AN ENGINEER TAKING OVER THE WORK OF ANOTHER

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

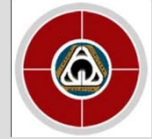
Para 2.4, Circular 1/2006

The Client shall include the “registered proprietor” or “bona-fide agent” or “contractor” for the development of the land and/or buildings.

“Registered proprietor” whose names and/or legal identities are endorsed on the title of the land or any other instruments, which provide legal ownership to the land and/or buildings.

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

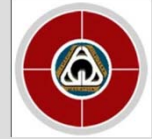
Para 2.4, Circular 1/2006

The Client shall include the “registered proprietor” or “bona-fide agent” or “contractor” for the development of the land and/or buildings.

“Registered proprietor” whose names and/or legal identities are endorsed on the title of the land or any other instruments, which provide legal ownership to the land and/or buildings.

Case Example 4

Board of Engineers



Malaysia

- 1) Developer AA engages Engr #1 for an industrial project**
- 2) In response to Engr #1's query, AA confirms in writing that there is no Engineer appointed earlier**
- 3) Engr #1 commences work**
- 4) Engr #2 complains to the Board on the conduct of Engr #1. Claims he (Engr #2) had previously submitted plans for the Project on behalf of AA**
- 5) Has Engr #1 committed any offence?**

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

Rev.No.3
Date : 15.4.2006

BEM/RD/PPC/02

Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 1/2006

GUIDELINES

for

AN ENGINEER TAKING OVER THE WORK OF ANOTHER



Para 3.1, Circular 1/2006

A registered Engineer in accepting any commission shall check with the Client and Local Authority whether there is an earlier appointed registered Engineer whose appointment has yet to be properly terminated. If there is, the Second Engineer shall write to the First Engineer for the Letter of Release for him to take up the commission.



Para 3.1, Circular 1/2006

A registered Engineer in accepting any commission shall **check with the **Client** and Local Authority whether there is an earlier appointed registered Engineer whose appointment has yet to be properly terminated. If there is, the Second Engineer shall write to the First Engineer for the Letter of Release for him to take up the commission.**

Circular 1/2006 - Taking Over

Board of Engineers



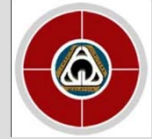
Malaysia

Para 3.1, Circular 1/2006

A registered Engineer in accepting any commission shall **check** with the **Client** **and** **Local Authority** whether there is an earlier appointed registered Engineer whose appointment has yet to be properly terminated. If there is, the Second Engineer shall write to the First Engineer for the Letter of Release for him to take up the commission.

Case Example 5

Board of Engineers



Malaysia

- 1) Company AA invites Engr #1 to prepare a design for a “design and built” tender on a “success” basis**
- 2) Company AA wins the tender and is awarded a “design and built” contract**
- 3) AA is asked by the Owner to engage Engr #2 to carry out the design**
- 4) Engr #2 commences work**
- 5) Engr #1 complains to the Board on the conduct of Engr #2**
- 6) Has Engr #2 committed any offence?**

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

Rev.No.3
Date : 15.4.2006

BEM/RD/PPC/02

Serial No. 0017



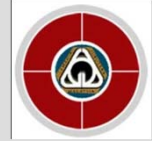
BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 1/2006

GUIDELINES

for

AN ENGINEER TAKING OVER THE WORK OF ANOTHER



Para 2.3, Circular 1/2006

The Contract shall mean a written agreement between the Client and the First Engineer and may be in the form of exchange of correspondence or a formalised memorandum of agreement.



Regulation 27

Canvassing and advertising prohibited

A registered Engineer shall not :

- (d) provide professional engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties**



Regulation 27

Canvassing and advertising prohibited

A registered Engineer shall not :

- (d) provide professional engineering services to any person, unless the scope of such services are clearly defined in a **written agreement** between both parties**

Case Example 6

Board of Engineers



Malaysia

- 1) Developer AA engages Engr #1 for an industrial project**
- 2) AA is unhappy with the work of Engr #1 and discharges him**
- 3) Engr #1 sues AA for unpaid fees**
- 4) AA then engages Engr #2 to complete the work**
- 5) Engr #2 applies for Letter of Release from Engr #1**
- 6) Engr #1 refuses to issue Letter of Release until AA pays his fees**

Case Example 6

Board of Engineers



Malaysia

- 7) Engr #2 commences work**
- 8) Engr #1 complains to the Board on the conduct of Engr #2**
- 9) Has Engr #2 committed an offence under the REA?**

Circular 1/2006 - Taking Over

Board of Engineers



Malaysia

Rev.No.3
Date : 15.4.2006

BEM/RD/PPC/02

Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 1/2006

GUIDELINES

for

AN ENGINEER TAKING OVER THE WORK OF ANOTHER



Para 4, Circular 1/2006

The Board also does not consider Regulation 31 contravened and that the need for a Letter of Release does not arise when the First Engineer :

(a) has commenced litigation and/or alternative dispute resolution for the recovery of his fees



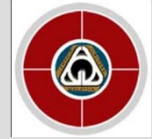
Para 4, Circular 1/2006

The Board also does not consider Regulation 31 contravened and that the need for a Letter of Release does not arise when the First Engineer :

(a) **has commenced litigation and/or alternative dispute resolution** for the recovery of his fees

Case Example 7

Board of Engineers



Malaysia

- 1) Developer AA engages Engr #1 for an industrial project**
- 2) When the project is 90 % completed, Engr #1 withdraws as the Engineer for the project**
- 3) AA then engages Engr #2 to complete the work**
- 4) Engr #2 gets the Letter of Release from Engr #1**
- 5) Engr #2 takes over as the Submitting Person for the project**

Case Example 7

Board of Engineers

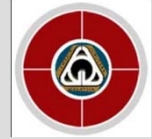


Malaysia

- 6) Project is completed**
- 7) Cracks appear due to excessive settlement and some houses become uninhabitable**
- 8) House owners complain to Board**
- 9) Engr #2 claims settlement due to poor foundation works carried out under Engr #1**
- 10) Which Engineer (Engr #1 or Engr #2) is responsible?**

Case Example 8

Board of Engineers

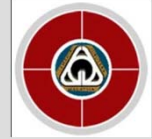


Malaysia

- 1) Engr #1 is engaged to design and supervise the construction of a Training Institute**
- 2) Cracks appeared in the main beams and columns of the Main Building**
- 3) Main Building is declared unsafe**
- 4) Problem traced to errors in design**
- 5) Client complains to the Board on the conduct of Engr #1**

Case Example 8

Board of Engineers



Malaysia

- 6) Engr #1 informs Board that the design is in fact, carried out by his employee Engr #2 who is also a registered P.Eng.**
- 7) Which Engineer (Engr #1 or Engr #2) is responsible?**

Case Example 9

Board of Engineers

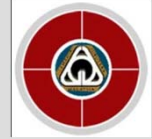


Malaysia

- 1) Engr #1 is registered with the Board as a P.Eng.**
- 2) He practises under a sole proprietorship called Engr #1 Consulting Engineer**
- 3) He did not register his sole proprietorship as an ECP as he feels the annual fee is too high**
- 4) When queried by BEM, he claims that he is practising in his individual capacity**
- 5) Has Engr #1 committed any offence?**

Case Example 9

Board of Engineers

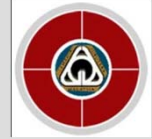


Malaysia

- 1) Engr #1 is registered with the Board as a P.Eng.
- 2) He practises under a sole proprietorship called Engr #1 Consulting Engineer
- 3) He did not register his sole proprietorship as an ECP as he feels the annual fee is too high
- 4) When queried by BEM, he claims that he is practising in his individual capacity
- 5) Has Engr #1 committed any offence?

Case Example 9

Board of Engineers



Malaysia

- 1) Engr #1 is registered with the Board as a P.Eng.
- 2) He practises under a sole proprietorship called Engr #1 Consulting Engineer
- 3) He did not register his sole proprietorship as an ECP as he feels the annual fee is too high
- 4) When queried by BEM, he claims that he is practising in his individual capacity
- 5) Has Engr #1 committed any offence?

Terminology

Board of Engineers



Malaysia

- 1) Person**
- 2) Sole Proprietorship, Partnership**
- 3) Body Corporate**
- 4) Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
- 2) **Sole Proprietorship, Partnership**
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Need for Registration

Board of Engineers



Malaysia

Section 7(1)(a), REA

No **person shall, unless he is a registered Professional Engineer, practise, carry on business or take up employment which requires him to carry out or perform professional engineering services**

Need for Registration

Board of Engineers



Malaysia

Section 7(1)(c), REA

No **person shall, unless he is a registered Professional Engineer, be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
- 2) **Sole Proprietorship, Partnership**
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Need for Registration

Board of Engineers



Malaysia

Section 7A(1), REA

Notwithstanding subsection 7(1), a **sole proprietorship, partnership** or body corporate may practice 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

Terminology

Board of Engineers



Malaysia

- 1) **Person**
- 2) **Sole Proprietorship, Partnership**
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Need for Registration

Board of Engineers



Malaysia

Section 7A(1), REA

Notwithstanding subsection 7(1), a sole proprietorship, partnership or **body corporate may practice 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**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
- 2) **Sole Proprietorship, Partnership**
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Need for Registration

Board of Engineers



Malaysia

Section 7A(1), REA

Notwithstanding subsection 7(1), a sole proprietorship, partnership or body corporate may practice 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**

Terminology

Board of Engineers



Malaysia

- 1) Person
Individual**
- 2) Sole Proprietorship, Partnership**
- 3) Body Corporate**
- 4) Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
Individual
- 2) **Sole Proprietorship, Partnership**
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
Individual
- 2) **Sole Proprietorship, Partnership**
A business
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
Individual
- 2) **Sole Proprietorship, Partnership**
A business
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
Individual
- 2) **Sole Proprietorship, Partnership**
Registration of Businesses Act 1956
- 3) **Body Corporate**
- 4) **Engineering Consultancy Practice, ECP**



Section 2

“business” includes every form of trade, commerce, craftsmanship, calling, profession, or other activity carried on for the purposes of gain, but does not include any office or employment or any charitable undertaking or any occupation specified in the Schedule;



Section 2

“**business**” includes every form of trade, commerce, craftsmanship, calling, **profession**, or other activity carried on for the **purposes of gain**, but does not include any office or employment or any charitable undertaking or any occupation specified in the Schedule;



Section 5(1) - Registration

The person responsible for a business shall, not later than 30 days from the date of the commencement of the business, apply to the Registrar for the registration of the business.



Section 4 - Application

This Act shall not apply to :

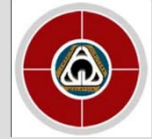
- (a) Any business which is exclusively owned and carried on by any company registered under the Companies Act 1965**
- (b) Any business owned or conducted by the Government or by any public body incorporated**



Section 4 - Application

This Act shall not apply to :

- (c) Any society registered or exempted under any written law for the time being in force relating to the registration of societies or co-operative societies**



Section 4 - Application

This Act shall not apply to :

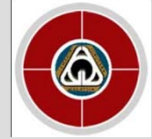
- (d) Any business consisting solely of the exercise of any profession which under the provisions of any written law can be exercised only by those who possess certain qualifications prescribed by such written law and whose names are registered or otherwise recorded in manner prescribed**



Section 4 - Application

This Act shall not apply to :

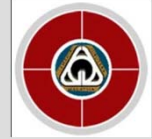
- (d) Any **business** consisting solely of the exercise of any profession which under the provisions of any written law can be exercised only by those who possess certain qualifications prescribed by such written law and whose names are registered or otherwise recorded in manner prescribed



Section 4 - Application

This Act shall not apply to :

- (d) Any **business** consisting solely of the exercise of any **profession** which under the provisions of any written law can be exercised only by those who possess certain qualifications prescribed by such written law and whose names are registered or otherwise recorded in manner prescribed



Section 4 - Application

This Act shall not apply to :

- (d) Any **business** consisting solely of the exercise of any **profession** which under the provisions of any written **law** can be exercised only by those who possess certain qualifications prescribed by such written law and whose names are registered or otherwise recorded in manner prescribed



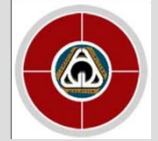
Section 4 - Application

This Act shall not apply to :

- (d) Any **business** consisting solely of the exercise of any **profession** which under the provisions of any written **law** can be exercised only by those who possess certain **qualifications** prescribed by such written law and whose names are **registered** or otherwise recorded in manner prescribed

Terminology

Board of Engineers



Malaysia

- 1) Person**
Individual
- 2) Sole Proprietorship, Partnership**
Registration of Businesses Act 1956
- 3) Body Corporate**
Registration of Companies Act 1965
- 4) Engineering Consultancy Practice, ECP**

Terminology

Board of Engineers



Malaysia

- 1) **Person**
Individual
- 2) **Sole Proprietorship, Partnership**
Registration of Businesses Act 1956
- 3) **Body Corporate**
Registration of Companies Act 1965
- 4) **Engineering Consultancy Practice, ECP**
ECP → [Section 2, REA](#)

Q & A

Board of Engineers



Malaysia

What is an Engineering Consultancy Practice (ECP)?

- **Section 2** → An ECP means a **sole proprietorship, partnership or body corporate**, providing professional engineering services, **registered** under **Section 7A or 7B**
(*wef 1.12.2002*)

Example

Board of Engineers



Malaysia

1) Person

Ir Datuk K, P.Eng.

2) Sole Proprietorship, Partnership

Datuk K Consulting Engineer

Datuk K & Siti Consulting Engineers

3) Body Corporate

Juruperunding Datuk K & Siti Sdn Bhd

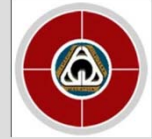
4) Engineering Consultancy Practice, ECP

Registered with BEM as ECP

(wef 1.12.2002)

Case Example 9

Board of Engineers

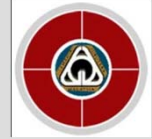


Malaysia

- 1) Engr #1 is registered with the Board as a P.Eng.
- 2) He practises under a sole proprietorship called Engr #1 Consulting Engineer
- 3) He did not register his sole proprietorship as an ECP as he feels the annual fee is too high
- 4) When queried by BEM, he claims that he is practising in his individual capacity
- 5) Has Engr #1 committed any offence?

Case Example 10

Board of Engineers

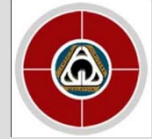


Malaysia

- 1) The Government has appointed a Japanese Construction Company (JCC) to build the new PJ International Airport on a turnkey basis.**
- 2) The centrepiece of the Airport is a 200 m cantilever roof truss designed by a world renown Japanese Professor.**
- 3) JCC engages Engr #1 to be the submitting person for the roof structure.**
- 4) Engr #1 visits the Japanese Professor in Tokyo and is very impressed with the state-of-the art software used.**

Case Example 10

Board of Engineers

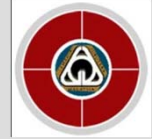


Malaysia

- 5) To be extra safe, Engr #1 secures a back-to-back guarantee from the Japanese Professor.**
- 6) Engr #1 proceeds to submit the drawings to the Local Authorities.**
- 7) The roof collapses after a big storm.**
- 8) Is Engr #1 liable for the collapse?**

Case Example 11

Board of Engineers



Malaysia

- 1) Engr #1 is a Director in an ECP**
- 2) To cut costs, he decided to employ engineering graduates from China and India (with unrecognised degrees)**
- 3) These engineering graduates carry out the engineering design work while Engr #1 carries out the checking to ensure that the designs are proper and safe**
- 4) Engr #1 signs the plans after he is satisfied that everything is OK**
- 5) Has Engr #1 committed any offence?**

Restriction on Employment

Board of Engineers



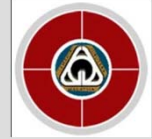
Malaysia

Section 24A(1), REA

No person shall employ a person, sole proprietorship, partnership or body corporate, other than a registered Engineer or ECP, to perform professional engineering services

Case Example 11a

Board of Engineers



Malaysia

- 1) Engr #1 is a Director in an ECP**
- 2) To cut costs, he decided to employ engineering graduates from China and India (with unrecognised degrees)**
- 3) These engineering graduates carry out the engineering design work while Engr #1 carries out the checking to ensure that the designs are proper and safe**
- 4) Engr #1 signs the plans after he is satisfied that everything is OK**
- 5) Has Engr #1 committed any offence?**

Case Example 11a

Board of Engineers



Malaysia

- 1) **Engr #1 is a Director in an ECP**
- 2) **To cut costs, he decided to employ engineering graduates from China and India (with ~~un~~recognised degrees)**
- 3) **These engineering graduates carry out the engineering design work while Engr #1 carries out the checking to ensure that the designs are proper and safe**
- 4) **Engr #1 signs the plans after he is satisfied that everything is OK**
- 5) **Has Engr #1 committed any offence?**

Restriction on Employment

Board of Engineers



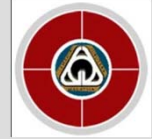
Malaysia

Section 24A(1), REA

No person shall employ a person, sole proprietorship, partnership or body corporate, other than a **registered Engineer or ECP, to perform professional engineering services**

Case Example 12

Board of Engineers



Malaysia

- 1) Engr #1 acts as an Expert Witness for the Plaintiff in a court case**
- 2) Engr #2 acts as an Expert Witness for the Respondent in the same case**
- 3) In court, Engr #2 disparage (ridicule, mock, discredit) on the ability and knowledge of Engr #1**
- 4) Engr #1 complains to the Board on the conduct of Engr #2**
- 5) Has Engr #2 committed any offence?**



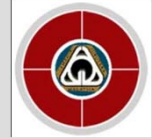
Regulation 26

Reputation etc. of a registered Engineer not to be injured

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

Case Example 12

Board of Engineers



Malaysia

- 1) Engr #1 acts as an Expert Witness for the Plaintiff in a court case
- 2) Engr #2 acts as an Expert Witness for the Respondent in the same case
- 3) **In court**, Engr #2 disparage (ridicule, mock, **discredit**) on the ability and knowledge of Engr #1
- 4) Engr #1 complains to the Board on the conduct of Engr #2
- 5) Has Engr #2 committed an offence?

