

**LAWS OF MALAYSIA**

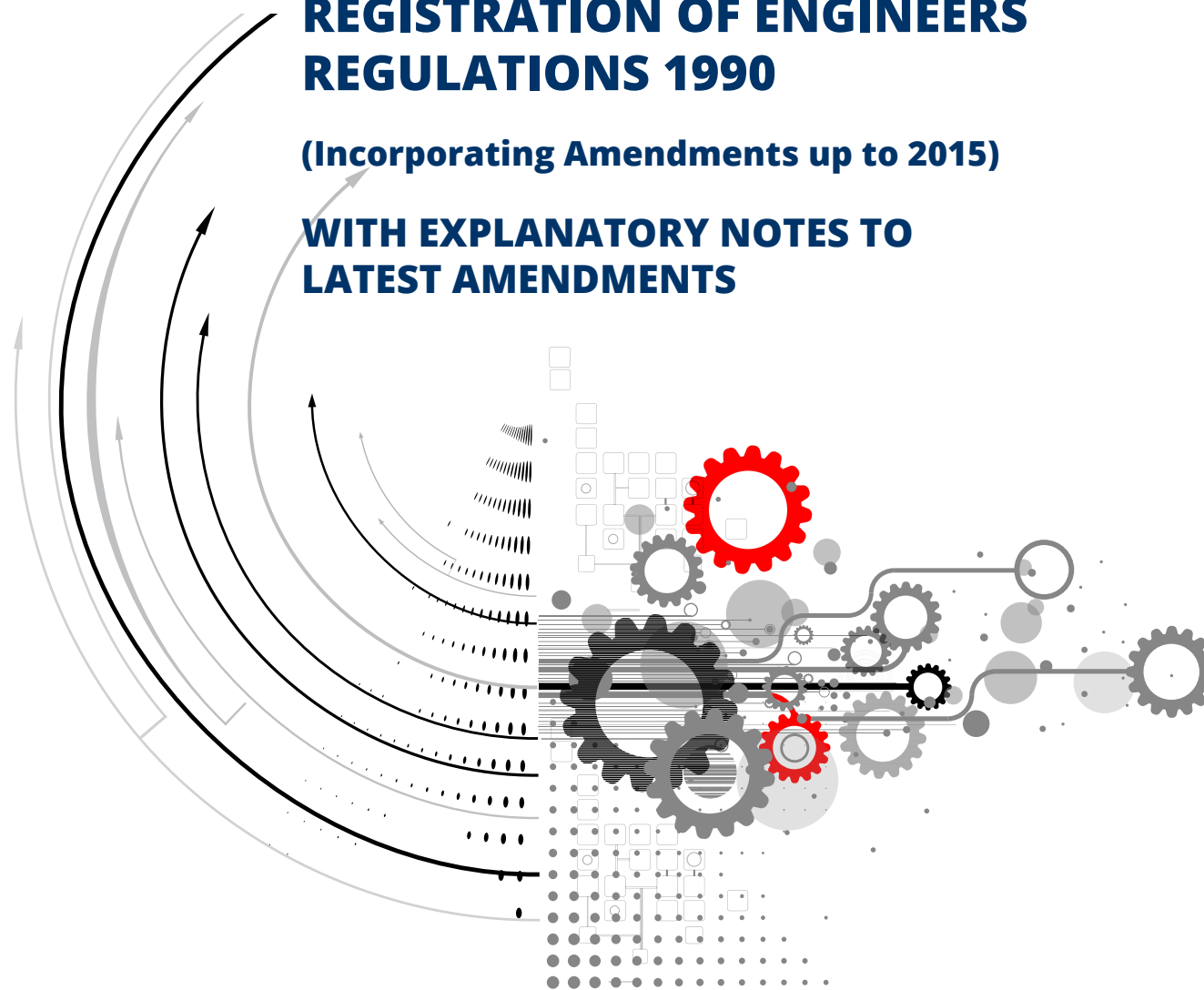
# **REGISTRATION OF ENGINEERS ACT 1967**

**AND**

# **REGISTRATION OF ENGINEERS REGULATIONS 1990**

**(Incorporating Amendments up to 2015)**

**WITH EXPLANATORY NOTES TO  
LATEST AMENDMENTS**



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ACT 1967**

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LATEST AMENDMENTS**



**LEMBAGA JURUTERA MALAYSIA**  
**BOARD OF ENGINEERS MALAYSIA**

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# **EXPLANATORY NOTES TO LATEST AMENDMENTS**

**TO THE REGISTRATION OF  
ENGINEERS ACT 1967 & THE  
REGISTRATION OF ENGINEERS  
REGULATIONS 1990**

**EXPLANATORY NOTES TO LATEST AMENDMENTS  
TO THE REGISTRATION OF ENGINEERS ACT 1967  
& THE REGISTRATION OF ENGINEERS REGULATIONS 1990**

Second Edition

## **1.0 Introduction**

Amendments to the Registration of Engineers Act 1967(REA) have been passed by both houses of Parliament; the Dewan Rakyat on 28<sup>th</sup> November 2014 and the Dewan Negara on 17<sup>th</sup> December 2014. After the amendments were passed, Royal Assent was obtained on 14<sup>th</sup> February 2015 and the amendments were subsequently gazetted on 28<sup>th</sup> February 2015.

The date of operation of the REA is on **31<sup>st</sup> July 2015** as announced by the Minister of Works through Gazette P.U.(B) 292. On the same date of **31<sup>st</sup> July 2015** the Minister of Works announced the date of operation of the amended Regulations through Gazette P.U.(A) 173.

The amended REA will be known as “Registration of Engineers Act 1967 (Revised 2015)”, whilst the accompanying Regulations will be known as “Registration of Engineers Regulations 1990 (Revised 2015)”. The Regulations are meant to supplement the Act in the day-to-day affairs, operations and functions of the Board of Engineers (Board).

These latest amendments are a direct result of Government policies on trade for services. As Malaysia developed towards a service industry the issue of “liberalisation” of the services came to the forefront in the Free Trade Agreements (FTA) which the country signed. These latest amendments directly address liberalisation issues in order for the country to meet its international obligations.

## **2.0 Summary of Amendments**

With the Act and Regulations coming into operation on 31st July 2015, this second edition will provide a detailed interpretation of the primary amendments related to liberalisation since parts of the Act refers to the Regulations for an explanation. However the explanations may not be exhaustive (when it is not directly related to liberalisation) for which the two aforementioned documents shall always be referred to.

For the benefit of registered Engineers, there are two primary amendments towards meeting Government policies on liberalisation which can be categorised as:

### **(A) Registration of Engineers**

- (i) Section 7 Restrictions on unregistered persons, Graduate Engineers etc.
- (ii) Section 8 Only Professional Engineer and Engineering consultancy practice may submit plans or drawings.
- (iii) Section 10 Qualifications for registration.
- (iv) Section 10A Registration of Temporary Engineers.

## **(B) Registration of Firms/Companies**

- (i) Section 7A Engineering consultancy practice.
- (ii) Section 7B A body corporate providing professional engineering services, architectural consultancy services and/or quantity surveying services.

### **3.0 Prerequisite for Registration**

This was the first issue to be addressed by the Board. One of the basic tenets of liberalisation was that citizenship shall not be a mandatory requirement for registration.

The amended Act now allows any qualified person to be registered with the Board based solely on his/her qualifications irrespective of citizenship. Accordingly, Section 10A (Registration of Temporary Engineers) is now redundant and the whole section was deleted.

### **4.0 Restrictions on unregistered persons, Graduate Engineers etc.**

A Working Group of the Board in reviewing the REA in 2007 recommended the “licensing” of Professional Engineers and set regulations on qualifications for licensing. A letter from the Association of Consulting Engineers (ACEM) in 2010 to the Board made similar arguments that the qualifications for licensing shall be through an examination system termed the Professional Competency Examination (PCE). Both recommendations were accepted by the Board resulting in a two-tier registration for Professional Engineers; one with a Practising Certificate and the other without.

Section 7(1) of the amended REA reads as follows;

*“7(1) No person shall, unless he is a Professional Engineer -*

- (a) ~~practise, carry on business or take up employment which requires him to carry out or perform professional engineering services;~~*
- (aa) be entitled to describe himself or hold himself out under any name, style or title -*
  - (i) bearing the words “Professional Engineer” or the equivalent thereto in any other language;*
  - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Engineer; or*
  - (iii) using the abbreviation “Ir.” before his name or the abbreviation “P.Eng.” after his name or in any way in association with his name;*
- (b) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer; or*
- (c) ~~be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered; or~~*
- (d) use the stamp as may be prescribed by the Board”*

This amendment only allows a Professional Engineer to take up employment and not to practise business to provide or supply professional engineering services.



The entitlement to practice and to carry on business to provide or supply professional engineering services is transferred to the Professional Engineer with a Practising Certificate in a new Section 7(1A) which reads as follows;

- “7(1A) A person shall not, unless he is a Professional Engineer with Practising Certificate -*
- (a) practice, carry on business or take up employment which requires him to carry out or perform professional engineering services for designated engineering works subject to section 8;*
  - (b) be entitled to describe himself or hold himself out under any name, style or title –*
    - (i) bearing the words “Professional Engineer with Practising Certificate” or equivalent in any other language; or*
    - (ii) bearing any other words in any language which may reasonably be construed to imply that he is a Professional Engineer with Practising Certificate*
  - (c) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer with Practising Certificate;*
  - (d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered subject to section 8; or*
  - (e) use the stamp as may be determined by the Board.”*

The new Section 7(1A) has taken all the entitlements of the existing Professional Engineer and transferred these entitlements (except for one) to a Professional Engineer with a Practising Certificate in a new Section 8(A).

However, there is a provision under the Second Schedule (Saving and Transitional) for existing Professional Engineers as follows;

*“Second Schedule (2) In relation to a Professional Engineer registered under the principal Act, where he applies to be registered as a Professional Engineer with Practising Certificate within one year from the date of the coming into operation of this Act, or any period as may be extended by the Board, he shall be exempted from the provision of paragraph 10D(b).”*

This in effect means existing Professional Engineers who intend to obtain a Practising Certificate have one year after the “date of operation of the Act” or the “date when the Act is in force from” to apply for the Practising Certificate without the need to sit and pass the Professional Competency Examination. Failure to comply would mean the Professional Engineer risks losing this right. The date of operation of the Act is **31<sup>st</sup> July 2015** as mentioned in the Introduction.

## **5.0 Only Professional Engineer and Engineering consultancy practice may submit plans or drawings**

The shoulder note for Section 8 of the REA has been amended to:-

*“Only Professional Engineer with Practising Certificate and Engineering consultancy practice may submit plans or drawings etc.”*

Section 8(1), (2) and (3) the word “Professional Engineer” has been replaced with “Professional Engineer with Practising Certificate”. Section 8(4)(c) and (d) have been deleted and replaced with a new section as follows;

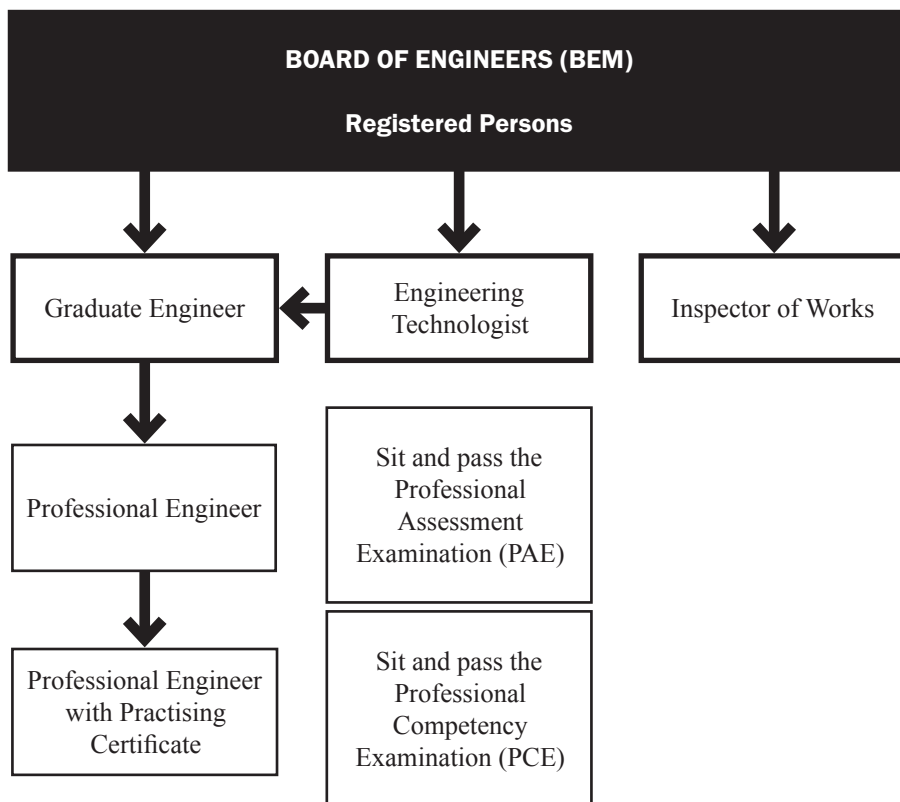
**“Plan or drawing which a Professional Engineer may submit**

- 8A (1) A Professional Engineer may submit plans or drawings to any person or authority in Malaysia where such plans or drawings are in relation to an equipment, a plant or a specialised product invented or sold by him or his employer  
 (2) The employer referred to in subsection (1) shall not include a client”

This is the only entitlement of a Professional Engineer apart from taking up employment and the title to be recognized as a “professional”.

**6.0 New Categories of Registered Persons**

Section 10 of the REA was amended to include new sections namely Sections 10C, 10D and 10E to provide for the registration of Engineering Technologist, Professional Engineer with a Practising Certificate and Inspector of Works as shown in Figure 1.



**Figure 1 – Route to Professional Engineer with Practising Certificate**

### **Registration of Engineering Technologist**

- “10C (1) A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Engineering Technologist*
- (2) A person who is registered as an Engineering Technologist under subsection (1) shall be entitled on application to be registered as a Graduate Engineer upon fulfilling the requirements under subsection 10(1).”*

The Board recognizes another category of engineers; the Engineering Technologist apart from the Graduate Engineer. The scope of works of an Engineering Technologist is the same as a Graduate Engineer *“to take up employment which requires him to perform professional engineering services”* as defined in Section 7(2)(aa).

### **Registration of Professional Engineer with Practising Certificate**

- “10D A person shall be entitled on application to be registered as a Professional Engineer with Practising Certificate if –*
- (a) the person is a registered Professional Engineer;*
- (b) the person has passed a professional competency examination conducted by the Board; and*
- (c) the person has complied with the requirements as determined by the Board.”*

The requirements to obtain a Practising Certificate is first to be a Professional Engineer and then pass the PCE.

It should be noted that the Practising Certificate is essentially a “license” which is renewable every year subject to the Professional Engineer meeting the requirements of a “continuing professional development programme”.

BEM under Section 4(1)(ec) of the Act will enforce “continuing professional development programmes” for a Professional Engineer, Professional Engineer with Practising Certificate and Inspector of Works. This will be in form of Continuous Professional Development (CPD) hours which will be submitted upon renewal of the person’s certificate.

A Circular will be issued by the Board with penalties. Failure to comply may result in the Board to refuse renewal under the amended Regulation;

- “Regulation 20(3) The Board may refuse to renew the registration of a registered Person if he has failed to satisfy any conditions as determined by the Board under subparagraph (1)(b).”*

It should also be noted that other forms of “professional development programmes” may be introduced by the Board for an Engineering Technologist or a Graduate Engineer.

### **Registration of Inspector of Works**

- “10E A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Inspector of Works.”*

This is in view of the recognition that “engineering” covers a wide spectrum of persons from engineers to technicians; the Board has decided to register unregulated “engineering technicians” in the engineering industry. Their scope of works is defined under Section 7(2)(ab) that is to “assist the Professional Engineer in the supervision of engineering works”.

In addition the amendment has given titles to the Engineering Technologist and Graduate Engineer under a new Section 7(1B) as follows;

*“Section 7(1B) A person shall not, unless he is a Graduate Engineer or Engineering Technologist, be entitled to describe himself or hold himself out under any name, style or title using the abbreviation “Grad.Eng.” or “Eng.Tech.” after his name or in any way associate with his name.”*

Another important amendment is the route to become a Professional Engineer. Presently only those who pass the Professional Assessment Examination (PAE) or is a Corporate Member of the Institution of Engineers (Malaysia) are eligible to be registered as a Professional Engineer. Section 10(2)(i) has been deleted and replaced with a new Section 10(2)(a) as follows;

*“10(2) Subject to this Act, the following persons shall be entitled on application to be registered as Professional Engineers;*

- (a) any person*
  - (i) who is registered as a Graduate Engineer and has obtained the practical experience under paragraph (1)(b);*
  - (ii) who –*
    - (A) has passed a professional assessment examination conducted by the Board;*
    - (B) holds a professional qualification which the Board considers to be equivalent to the professional assessment examination conducted by the Board; or*
    - (C) is a Corporate Member of the Institution of Engineers (Malaysia); and*
  - (iii) who has complied with the requirements as determined by the Board;”*

Sub-paragraph (a)(ii)(B) allows the Board to recognise other forms of professional status, for example those professionals registered under different jurisdictions that are equivalent to the Professional Engineer registered with the Board.

## **7.0 Registration of Firms and Companies**

The REA is one of the few engineering Acts that registers companies and firms. There are two sections; Section 7A which registers Single Disciplinary Practice (SDP) and Section 7B which registers Multi Disciplinary Practice (MDP). Section 7A of the REA covers three types of firms, sole proprietorship, partnership and body corporate. Section 7B covers engineering firms providing a combination of architectural or quantity surveying services. All firms registered under the Board are known as Engineering Consultancy Practice (ECP).

The major amendments in Section 7A and 7B are in the composition of the Board of Directors and equity in a body corporate. These major amendments are a result of Government’s policies on liberalisation. Section 7A (3) is amended to;

*“Section 7A(3) The Board shall register a sole proprietorship, partnership or body corporate as an Engineering consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if –*

- (a) in the case of the sole proprietorship, the sole proprietor is a Professional Engineer with Practising Certificate;*
- (b) in the case of the partnership, all the partners are Professional Engineers with Practising Certificates; or*
- (c) in the case of the body corporate,*
  - (i) it has a board of directors who shall be subject to such conditions and qualifications as may be prescribed by the Board;*
  - (ii) its shareholdings shall be as may be prescribed by the Board;*
  - (iii) it has a minimum paid-up capital which shall be of an amount to be prescribed by the Board; and*
  - (iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who –*
    - (A) is a Professional Engineer with Practising Certificate; and*
    - (B) is authorized under a resolution of the board of directors of the body corporate to make all final engineering decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of professional engineering services by the body corporate.”*

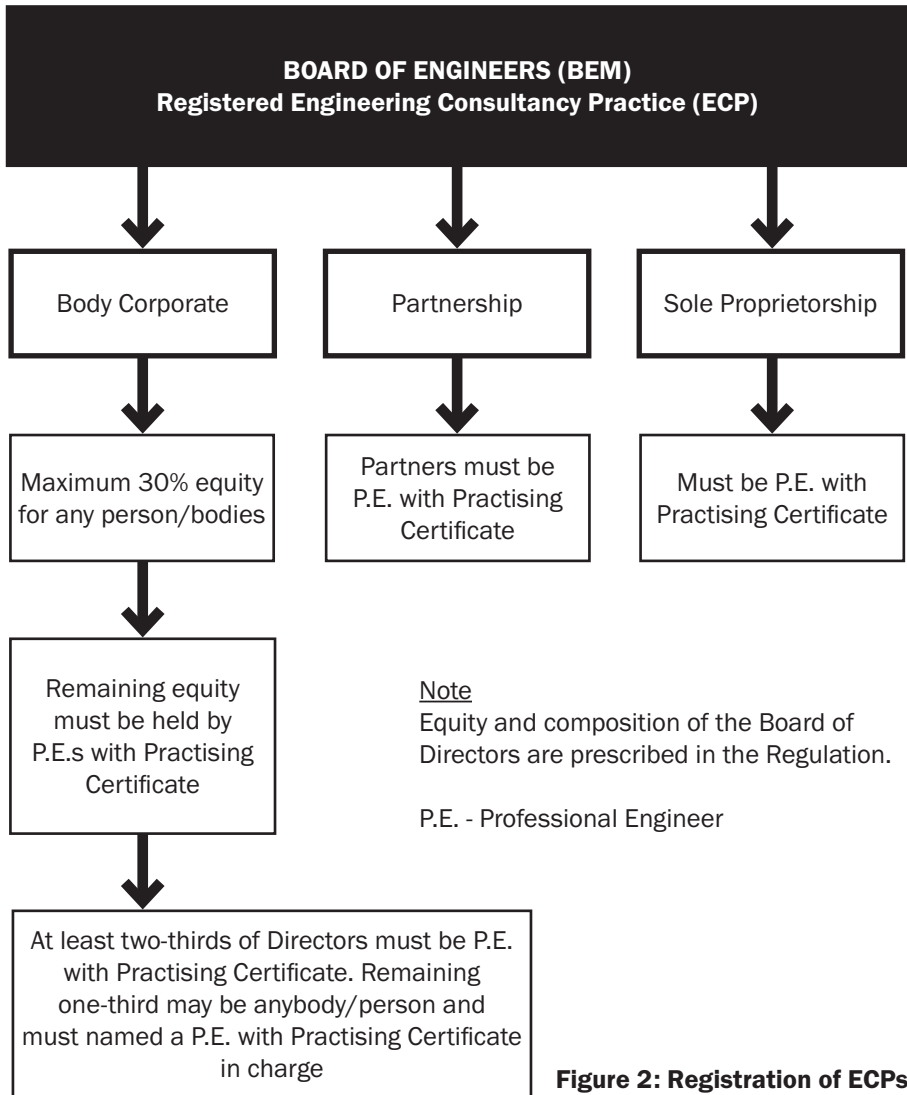
It should be noted that the composition of the Board of Directors, shareholdings and minimum paid-up capital are to be prescribed by the Board in the Regulations under Section 26 of the REA. Section 7A(3)(iv) also requires all body corporate to name a person who is in charge of the firm as the composition of the Board of Directors may also include non-engineers. This ensures that the management of the firm is still under control of the Professional Engineer. The registration of firms is illustrated in Figure 2.

Section 7B has similarly been amended for multi-disciplinary services. The existing provisions in Section 7B already allow any person or bodies to have equity to a maximum of 30%. However the dispersion of the equity is somewhat complicated and has been simplified.

The Regulations have been amended to reflect the amendments to the REA. To comply with the amendments of Section 7A (Single Disciplinary Practice) and 7B (Multi Disciplinary Practice) of the REA; new regulations, Regulation 34A Paid up capital and Equity and 34B Composition of the Board of Directors have been inserted as follows;

*“Regulation 34A Paid up capital and Equity*

- (1) A body corporate registered as an Engineering consultancy practice under section 7A of the Act shall have -*
  - (a) a minimum paid up capital of fifty thousand ringgit;*
  - (b) at least seventy percent of its share equity held by Professional Engineers with Practising Certificate; and*
  - (c) the remaining share equity may be held by –*
    - (i) any person; or*
    - (ii) any body corporate; or*
    - (iii) any person and body corporate.*



**Figure 2: Registration of ECPs**

- (2) A body corporate registered under Section 7B of the Act shall have -
- (a) a minimum paid up capital of one hundred and fifty thousand;
  - (b) at least sixty percent of its share equity held by Professional Engineers with Practising Certificate with combination of service comprising Architects or Professional Quantity Surveyors;
  - (c) minimum share of ten percent shall be held by the Professional Engineers with Practising Certificate; and
  - (d) the remaining share equity may be held by –
    - (i) any person; or
    - (ii) any body corporate; or
    - (iii) any person and body corporate.”

Regulation 34A is illustrated in Figure 3.

And

*“Regulation 34B Composition of Board of Directors*

- (1) A body corporate registered as an Engineering consultancy practice under Section 7A of the Act shall have -
- (a) a Board of Directors where at least two third of its members are Professional Engineers with Practicing Certificate;
  - (b) the remaining members of the Board of Directors may be any persons; and
  - (c) one of the Board of Director shall be the person named under paragraph 7A(3)(iv) of the Act
- (2) A body corporate registered under Section 7B of the Act shall have -
- (a) a Board of Directors where at least two third of its members are Professional Engineers with Practising Certificate with combination of service comprising Architects or Professional Quantity Surveyors;
  - (b) the remaining members of the Board of Directors may be any persons; and
  - (c) one of the Board of Director shall be the person named under paragraph 7B(2)(d) of the Act.”

Regulation 34B is illustrated in Figure 4.

Prescribing the equity and composition of the Board of Directors in the Regulations allows flexibility to the Government to undertake progressive liberalisation without the need to amend the REA through Parliament.

## EQUITY REQUIREMENTS

SECTION 7A(3)(c)(ii) &  
REGULATION 34A(1)(b)&(c)

Single Disciplinary Practice

100% for P.E. with PC	1% to 29% for anybody or persons	Max. 30% for anybody or persons
	99% to 71% for P.E. with PC	70% for P.E. with PC

← Acceptable range of share equity →

SECTION 7B(2)(b), (3) &  
REGULATION 34A(2) (b), (c) & (d)

Multi Disciplinary Practice

90% for P.E. with PC, Architects & Prof. Quantity Surveyors	1% to 29% for anybody or persons	Max. 30% for anybody or persons
	89% to 61% for P.E. with PC, Architects & Prof. Quantity Surveyors	60% for P.E. with PC, Architects & Prof. Quantity Surveyors
Min. 10% for P.E. with PC	Min. 10% for P.E. with PC	Min. 10% for P.E. with PC

← Acceptable range of share equity →

Note

P.E. - Professional Engineer

PC - Practising Certificate

Prof. - Professional

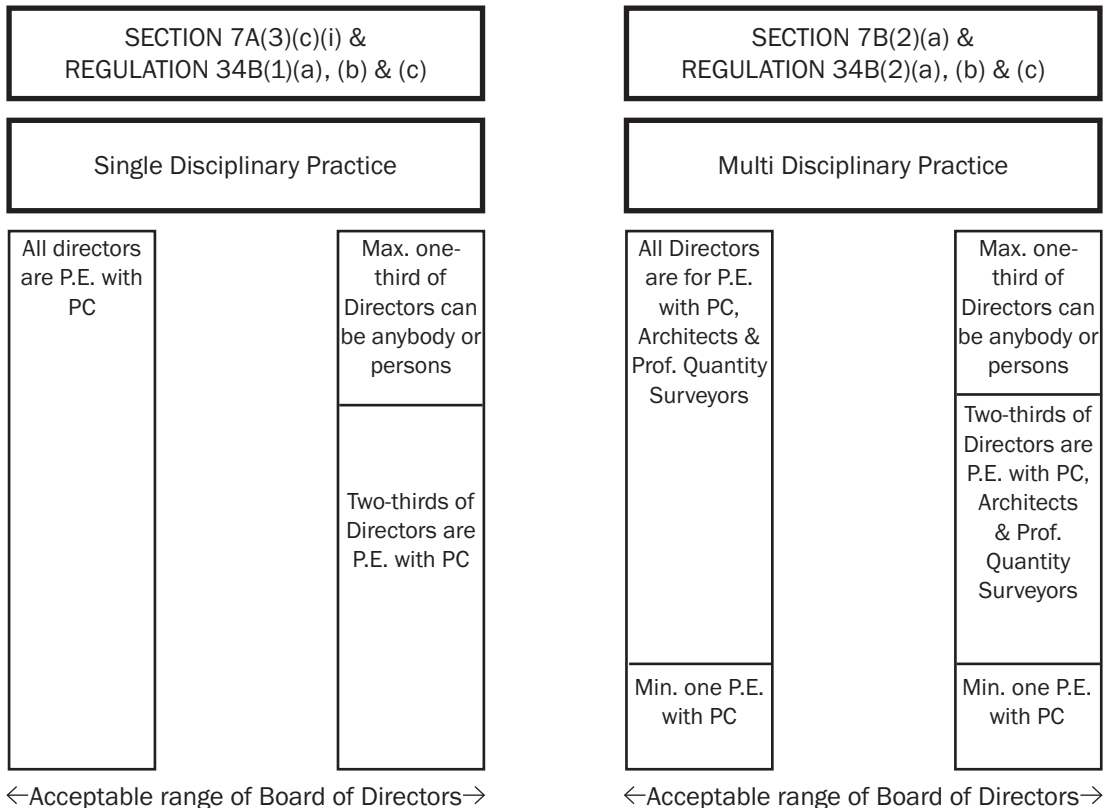
Max. - Maximum

Min. - Minimum

**Figure 3. Illustration of Equity**



**COMPOSITION OF BOARD OF DIRECTORS**



Note

- P.E. - Professional Engineer
- PC - Practising Certificate
- Prof. - Professional
- Max. - Maximum
- Min. - Minimum

**Figure 4. Illustration of Composition of Board of Directors**

## 8.0 Other Amendments

In view that the Board registers a new category called the Professional Engineer with a Practising Certificate, the composition of the members of the Board itself must also be changed. This change is reflected in Section 3 (Establishment of Board of Engineers) of the Act whereby there is a convoluted arrangement of the fifteen members of the Board who are either Professional Engineers or Professional Engineers with a Practising Certificate. In essence the amendment ensures that at least 50% of members of the Board are Professional Engineers with a Practising Certificate.

An additional Section 3A has been incorporated as follows;

*“3A Where the Council of the Institution of Engineers (Malaysia) referred to in paragraph (2) (b) does not submit a nomination list within thirty days before the expiry of the term of office of the five members of the Board nominated by the Council of the Institution of Engineers (Malaysia), the Minister shall appoint any person qualified as a member of the Board.”*

This is to ensure that the Board, consisting of fifteen members, can be formed every year even if the Institution of Engineers (Malaysia) fails to submit their nominations to the Minister.

A sub-section of Section 4 (Functions of the Board) has been totally amended as follows;

*“Section 4(ed) to appoint a committee consisting of persons to be determined by the Board –*  
*(i) to conduct professional assessment examinations for the purpose of admission as a Professional Engineer; or*  
*(ii) to conduct professional competency examinations for the purpose of issuing a Practising Certificate to the Professional Engineer;”*

The provision of Section 4(ed)(ii) gives new power to the Board to conduct the Professional Competency Examination and the issuance of the Practising Certificate.

Section 5 (Register) has been amended to include the registration of Professional Engineer with Practising Certificate, Engineering Technologist and Inspector of Works as Section 5(1)(f), (g) and (h).

In the amended Regulations, Schedule I have been deleted; applications forms for registered Person and Engineering Consultancy Practice will be available on the Board’s website [www.bem.org.my](http://www.bem.org.my). The updated application forms will reflect the additional requirements to be submitted from non-Malaysian citizens. The declaration to be signed by the applicants will differ depending on their category of registration and will reflect their degree of responsibilities and liabilities.

However there is a common declaration for a Registered Person in the application forms which states that;

- “a) I, the undersigned, apply for registration as a ..... and if I am registered, I agree to abide by –*
- (i) The Registration of Engineers Act 1967 and the Registration of Engineers Regulations 1990; and*
  - (ii) Notifications and Circulars issued by the Board of Engineers Malaysia*

b) I, hereby authorize the Board of Engineers Malaysia to seek clarification on any information submitted in any manner and by any means as it deems fit and proper”.

For Part (a) of the declaration, every registered Person must not only abide by the Act and Regulations but also on any Notifications and Circulars issued by the Board from time to time. These Notifications and Circulars can be obtained from the Board’s website.

Part (b) of the declaration allows the Board access to check the applicant’s submission in view of privacy laws such as the Personal Data Protection Act 2010.

Schedule II of the Regulations pertaining to the fees has been amended; there will be a reduction in registration fees for Partnership and Sole Proprietorship from the previous RM1,000 to RM500 and RM250 respectively. The registration fees for Professional Engineer with Practising Certificate is fixed at RM400.00. Overall registration fees will be reduced by half for application approved between 1<sup>st</sup> July till 31<sup>st</sup> December, 2016.

Regulation 22(1)(b) which reads as follows has been deleted;

~~“the Graduate Engineer must have satisfactory attendance in courses and professional development programmes determined by the Board or institutions approved or accredited by the Board.”~~

As such professional development programmes as one of the criteria is no longer mandatory for a Graduate Engineer to be entitled to apply for Professional Engineer status.

## 9.0 Summary of Entitlements

Table 1 summarises the entitlements of each category of engineers under the REA. It should be noted that the entitlements for a Graduate Engineer and Engineering Technologist are similar.

**Table 1: Summary of Entitlements**

ENTITLEMENTS	SECTION	ENGR. TECH.	GRAD. ENGR.	PROF. ENGR.	PROF. ENGR. (with Practising Certificate)
(a) Practise or to carry on business which requires him to carry out or perform professional engineering services	Sect. 7(1A)	NO	NO	NO	YES
(b) Take up employment which requires him to carry out or perform professional engineering services	Sect. 7(1) & 7(2)	YES	YES	YES	YES

<b>ENTITLEMENTS</b>	<b>SECTION</b>	<b>ENGR. TECH.</b>	<b>GRAD. ENGR.</b>	<b>PROF. ENGR.</b>	<b>PROF. ENGR. (with Practising Certificate)</b>
(c) Use title "Professional Engineer" or the equivalent thereto in any other language	Sect. 7(1)(aa)	NO but use Eng. Tech.	NO but use Grad. Eng.	YES	YES
(d) Use "Ir." & "P. Eng" before or after the name	Sect. 7(1)(aa)(iii)	NO	NO	YES	YES
(e) Display sign, card or other device implying he is a Professional Engineer	Sect. 7(1)(b)	NO	NO	YES	YES
(f) Entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered	Sect. 7(1A)(d)	NO	NO	NO	YES
(g) Entitled to use the P.E. stamp	Sect. 7(1)(d) or 7(1A)(e)	NO	NO	YES	YES
(h) Entitled to use prescribed Practising Certificate	Sect. 7(1A)	NO	NO	NO	YES
(i) Entitled to submit plans, engineering surveys, drawings, schemes, proposal, reports, designs or studies (only if he is residing in Malaysia)	Sect. 8(1) & (2)	NO	NO	NO	YES
(j) Entitled to (i) only in relation to the branch of engineering he is registered in	Sect. 8(2)	NO	NO	NO	YES
(k) Not prohibited to make valuations of any structure, plant, machinery & equipment, and making valuations for mining purposes, in connection with his professional practice	Sect. 8(3)	Prohibited	Prohibited	Prohibited	Not prohibited

<b>ENTITLEMENTS</b>	<b>SECTION</b>	<b>ENGR. TECH.</b>	<b>GRAD. ENGR.</b>	<b>PROF. ENGR.</b>	<b>PROF. ENGR. (with Practising Certificate)</b>
(l) Entitled to submit plans or drawings invented by him or sold by him or his employer.	Sect. 8A	NO	NO	YES	YES
(m) The right to be heard before the Board makes order of punishment under Section 15(1A)	Sect. 15(2)	YES	YES	YES	YES

From Table 1, the major difference between the entitlements of a Professional Engineer and a Professional Engineer with a Practising Certificate should be noted. This is because the burden of liabilities of a Professional Engineer has been transferred to a Professional Engineer with a Practising Certificate as the “Submitting Person” under other laws.

# **REGISTRATION OF ENGINEERS ACT 1967**

**(INCORPORATING  
AMENDMENTS UP TO 2015)**

**REGISTRATION OF ENGINEERS ACT 1967**  
**(Revised – 2015)**

Revised up to	...	...	...	2015
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Note:

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**Act 138****REGISTRATION OF ENGINEERS ACT 1967  
(Revised – 2015)**ARRANGEMENT OF SECTIONSPART I  
PRELIMINARY*Section*

1. Short title and commencement.
2. Interpretation.

PART II  
BOARD OF ENGINEERS

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

PART III  
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*Section*

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LIST OF AMENDMENTS

LIST OF SECTIONS AMENDED

**Act 138****REGISTRATION OF ENGINEERS ACT 1967  
(Revised – 2015)**

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

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

**PART I****PRELIMINARY**

- |    |   |   |                               |
|----|---|---|-------------------------------|
| 1. | (1)   | This Act may be cited as the Registration of Engineers (Amendment) Act 2015.  | Short title and commencement. |
|    | (2)   | <i>(Omitted)</i>  |                               |
|    | (3)   | This Act comes into operation on a date to be appointed by the Minister by notification in the <i>Gazette</i> .   |                               |
| 2. | In this Act unless the context otherwise requires - |   | Interpretation.               |
|    |   | "Accredited Checker" means a person registered under section 10B;   | [Act A1158]                   |
|    |   | "appointed date" means the date appointed for the commencement of this Act;   | [Act A132]                    |
|    |   | "Architect" has the same meaning assigned to it in the Architects Act 1967 [Act 117];   | [Act A1479]                   |
|    |   | "architectural consultancy practice" has the meaning assigned to it in the Architects Act 1967 [Act 117];   | [Act A1158]                   |
|    |   | "Board" means the Board of Engineers established by subsection 3(1);  |                               |
|    |   | "body corporate providing professional engineering services" means a body corporate, incorporated under the Companies Act 1965 [Act 125], which provides professional engineering services; | [Act A1158]                   |
|    |   | "Engineering consultancy practice" means a sole proprietorship, partnership or body corporate, providing professional engineering services, registered under section 7A or 7B;              | [Act A1158]                   |
|    |   | "Engineering Technologist" means a person registered under section 10C;   | [Act A1479]                   |

“Engineering works” means all works which include any publicly or privately owned public utilities, buildings, machines, equipment, processes, works or projects that require the application of engineering principles and data;	[Act A1479]
“Graduate Engineer” means a person registered under subsection 10(1);	[Act A1158]
“Inspector of Works” means a person registered under section 10E;	[Act A1479]
“Minister” means the Minister for the time being charged with the responsibility for matters relating to works;	[Act A1288]
“Practising Certificate” means a certificate issued by the Board to a Professional Engineer under section 10D;	[Act A1479]
"prescribed" means prescribed by regulations made under section 26;	
"Professional Engineer" means a person registered under subsection 10(2);	[Act A1158]
“Professional Engineer with Practising Certificate” means a person registered under section 10D;	[Act A1479]
“Professional Quantity Surveyor” has the same meaning assigned to it in the Quantity Surveyors Act 1967 [ <i>Act 438</i> ];	[Act A1479]
"professional engineering services" means engineering services and advice in connection with any feasibility study, planning, survey, design, construction, commissioning, operation, maintenance and management of engineering works or projects and includes any other engineering services approved by the Board;	[Act A1158]
"Register" means the Register kept and maintained under section 5;	
“registered Engineer” means a Graduate Engineer, Professional Engineer, Professional Engineer with Practising Certificate or Accredited Checker;	[Act A1479]
“registered Person” means a registered Engineer, Engineering Technologist or Inspector of Works;	[Act A1479]
"Registrar" means the Registrar of Engineers appointed under subsection 6(1);	[Act A1158]

## PART II

## BOARD OF ENGINEERS

- |      |  |                                      |
|------|--|--------------------------------------|
| 3.   | (1) For the purposes of this Act there is hereby established a board to be called "Board of Engineers" which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.  | Establishment of Board of Engineers. |
|      | (2) The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister:  | [Act A1158]                          |
|      | (a) a President who shall be a Professional Engineer or a Professional Engineer with Practising Certificate;   | [Act A1479]                          |
|      | (b) not more than fourteen members who shall be Professional Engineers and Professional Engineers with Practising Certificates, five of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia);          | [Act A1479]                          |
|      | (c) one member on the nomination of the Board of Architects from among members of that Board established under the Architects Act 1967; and  | [Act A1158]                          |
|      | (d) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Quantity Surveyors Act 1967.  | [Act A1158]                          |
| (2A) | <i>[Deleted]</i>   | [Act A1158]                          |
|      | (3) The members of the Board referred to in paragraph (2)(b) shall consist of the following:   | [Act A132]                           |
|      | (a) three Professional Engineers and two Professional Engineers with Practising Certificate who are in the public service of the Federation;   | [Act A1479]                          |
|      | (b) not more than two Professional Engineers who are in the service of any local authority or statutory authority;   | [Act A1158]                          |
|      | (c) not more than five Professional Engineers with Practising Certificates who are employees, sole proprietors, partners or directors of an engineering consultancy practice; and  | [Act A1479]                          |
|      | (d) a Professional Engineer and a Professional Engineer with Practising Certificate who are employees of any person or body of persons, not being in the public service of the Federation or in the service of any local authority or statutory authority. | [Act A1479]                          |

- (3A) Where the Council of the Institution of Engineers (Malaysia) referred to in paragraph (2)(b) does not submit a nomination list within thirty days before the expiry of the term of office of the five members of the Board nominated by the Council of the Institution of Engineers (Malaysia), the Minister shall appoint any person qualified as a member of the Board. [Act A1479]
- (4) A member of the Board, including the President shall, unless he sooner resigns or his appointment is revoked, hold office for a term not exceeding three years and subject to subsection (5) shall be eligible for reappointment. [Act A132]
- (5) A member of the Board, including the President, shall not be appointed for more than five consecutive years. [Act A173]
- (6) If any member of the Board dies or resigns or his appointment is revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed. [Act A132]
- (7) The provisions of the Schedule shall have effect with respect to the Board. [Act A1479]
- (8) The Minister, may by order published in the *Gazette*, amend the Schedule. [Act A1479]
4. (1) The functions of the Board shall be - **Functions of the Board.**
- (a) to keep and maintain the Register; [Act A662]
- (b) to approve or reject applications for registration under this Act or to approve any such application subject to such conditions or restrictions as it may deem fit to impose; [Act A1158]
- (c) to order the issuance of a written warning or reprimand, the imposition of a fine, suspension, cancellation, removal or reinstatement in accordance with Parts III and IV; [Act A1158]
- (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by registered Engineers and Engineering consultancy practices for professional engineering services rendered; [Act A1158]
- (e) to hear and determine disputes relating to professional conduct or ethics of registered Persons or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes; [Act A1479]
- (ea) to act as a stakeholder in a contract for professional engineering services, when requested; [Act A1158]
- (eb) to employ any person, as it deems necessary, to assist the Board in carrying out its functions, powers and duties subject to such terms and conditions as it may determine; [Act A1158]

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

## PART III

## REGISTRATION OF ENGINEERS

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



- (a) a registered Person whose registration has been - [Act A1479]
- (i) by an order of the Disciplinary Committee - [Act A1288]
- (A) suspended under subsection 15(3) or paragraph 15(1A)(c); or [Act A1158]
- (B) cancelled under paragraph 15(1A)(d); [Act A1158]
- (ii) removed under section 16; or [Act A1158]
- (iii) reinstated under section 17; or [Act A1158]
- (b) an Engineering consultancy practice whose registration has been - [Act A1158]
- (i) by an order of the Board - [Act A1158]
- (A) suspended under subsection 15(3) or paragraph 7A(5)(cc); or [Act A1158]
- (B) cancelled under subsection 7B(3) or paragraph 7A(5)(dd); [Act A1158]
- (ii) removed under section 16; or [Act A1158]
- (iii) reinstated under section 17 or subsection 7A(8). [Act A1158]
- (2A) The publication under subsection (2) shall be made - [Act A1158]
- (a) as soon as possible after the order of the Board or Disciplinary Committee is made, if there is no appeal to the Appeal Board against that order; or [Act A1288]
- (b) as soon as possible after the order of the Board or Disciplinary Committee is confirmed by the Appeal Board, if there is an appeal filed against that order. [Act A1288]
- (3) In any proceedings, a certificate of registration shall be conclusive proof that the person, sole proprietorship, partnership or body corporate named in it is a registered Person or an Engineering consultancy practice. [Act A1479]
- (4) The Registrar may annually publish and offer for sale copies of the Register.
7. (1) No person shall, unless he is a Professional Engineer-
- Restrictions on unregistered persons, Graduate Engineers, etc.**  
[Act A1158]
- (a) take up employment which requires him to carry out or perform professional engineering services; [Act A1479]
- (aa) be entitled to describe himself or hold himself out under any name, style or title - [Act A1158]

- (i) bearing the words "Professional Engineer" or the equivalent thereto in any other language; [Act A1158]
  - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Engineer; or [Act A1158]
  - (iii) using the abbreviation "Ir." before his name or the abbreviation "P.Eng." after his name or in any way in association with his name; [Act A1158]
  - (b) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer; or [Act A1479]
  - (c) *[Deleted]* [Act A1479]
  - (d) use the stamp as may be determined by the Board. [Act A1479]
- (1A) A person shall not, unless he is a Professional Engineer with Practising Certificate – [Act A1479]
- (a) practise, carry on business or take up employment which requires him to carry out or perform professional engineering services for designated engineering works subject to section 8; [Act A1479]
  - (b) be entitled to describe himself or hold himself out under any name, style or title - [Act A1479]
    - (i) bearing the words "Professional Engineer with Practising Certificate" or equivalent in any other language; or [Act A1479]
    - (ii) bearing any other words in any language which may reasonably be construed to imply that he is a Professional Engineer with Practising Certificate; [Act A1479]
  - (c) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer with Practising Certificate; [Act A1479]
  - (d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered subject to section 8; or [Act A1479]
  - (e) use the stamp as may be determined by the Board. [Act A1479]
- (1B) A person shall not, unless he is a Graduate Engineer or Engineering Technologist, be entitled to describe himself or hold himself out under any name, style or title using the abbreviation "Grad.Eng." or "Eng.Tech." after his name or in any way associate with his name. [Act A1479]

- (2) Notwithstanding subsections (1) and (1A) - [Act A1479]
- (a) a Graduate Engineer who is registered with the Board may, subject to section 8, take up employment which requires him to perform professional engineering services; [Act A1479]
- (aa) an Engineering Technologist who is registered with the Board may, subject to section 8, take up employment which requires him to perform professional engineering services; [Act A1479]
- (ab) an Inspector of Works who is registered with the Board may, subject to section 8, take up employment which requires him to assist the Professional Engineer in the supervision of engineering works; and [Act A1479]
- (b) a person who is a Professional Engineer by virtue of paragraph 10(2)(iii) as in force on the appointed date and who, on the 1st March, 1974, was not practising as an engineer in private practice shall not, at any time after that date, so practise unless – [Act A1158]
- (i) he holds a certificate from the Board that he has obtained a professional qualification approved by the Board; or [Act A662]
- (ii) he is a Corporate Member of the Institution of Engineers (Malaysia). [Act A662]
- (3) Where a person holds a certificate - [Act A218]
- (a) issued under the Electricity Supply Act 1990 [Act 447], the Factories and Machinery Act 1967 [Act 139] or any other written law or any regulations made thereunder, certifying him to possess a qualification prescribed for the purposes of those Acts or other written law; or [Act A218]
- (b) issued by any person, body, authority or institution specified from time to time by the Board by notification in the *Gazette*, certifying him to hold a qualification for the purposes of any vocation, [Act A218]
- nothing in subsection (1) shall prohibit such person - [Act A218]
- (c) to carry on any practice or business or take up any employment that requires the certificate or that is authorised or enabled thereby to be carried on or taken up; [Act A218]
- (d) to do so under whatever name or title he may use by virtue of being the holder of the certificate; or [Act A218]
- (e) to recover in any Court any fee, charge, remuneration or other form of consideration for any advice or services rendered pursuant to his practice, business or employment carried on or taken up by virtue of the certificate, [Act A1158]
- subject to such restrictions as may be imposed in the certificate. [Act A218]

- 7A. (1) Notwithstanding subsections 7(1) and (1A), a sole proprietorship, partnership or body corporate may practise as an Engineering consultancy practice and recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered by it pursuant to its practice as an Engineering consultancy practice carried on by virtue of this section, if it is registered with the Board as an Engineering consultancy practice and has been issued with a certificate of registration. Engineering consultancy practice.  
[Act A1479]
- (2) Every application by a sole proprietorship, partnership or body corporate for registration as an Engineering consultancy practice shall be made to the Board in the prescribed form and manner and shall be accompanied by the prescribed fee. [Act A1158]
- (3) The Board shall register a sole proprietorship, partnership or body corporate as an Engineering consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if – [Act A1158]
- (a) in the case of the sole proprietorship, the sole proprietor is a Professional Engineer with Practising Certificate; [Act A1479]
- (b) in the case of the partnership, all the partners are Professional Engineers with Practising Certificates; or [Act A1479]
- (c) in the case of the body corporate – [Act A1479]
- (i) it has a board of directors who shall be subject to such conditions and qualifications as may be prescribed by the Board; [Act A1479]
- (ii) its shareholdings shall be as may be prescribed by the Board; [Act A1479]
- (iii) it has a minimum paid-up capital which shall be of an amount to be prescribed by the Board; and [Act A1479]
- (iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who – [Act A1479]
- (A) is a Professional Engineer with Practising Certificate; and [Act A1479]
- (B) is authorized under a resolution of the board of directors of the body corporate to make all final engineering decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of professional engineering services by the body corporate. [Act A1479]

- (4) An Engineering consultancy practice shall, within thirty days of the occurrence of any change of its sole proprietorship, or the composition of its partners, board of directors or its shareholders, furnish to the Board a true report in writing giving full particulars of the change. [Act A1158]
- (4A) An Engineering consultancy practice may only provide professional engineering services in the branch or branches of engineering in which the sole proprietor, partner or a member of the board of directors of that practise is qualified to practise and as is shown in the Register under subsection 5(2). [Act A1158]
- (5) If the Board finds that - [Act A1158]
- (a) the Engineering consultancy practice or sole proprietor or any partner, director or shareholder has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board upon registration of that Engineering consultancy practice; [Act A1158]
- (b) the composition of the partners, board of directors or shareholders of the Engineering consultancy practice does not comply with section 7B or subsection (3); [Act A1158]
- (c) the Engineering consultancy practice has breached any of the requirements of subsection (4); or [Act A1158]
- (d) the sole proprietor or any partner, director, shareholder or employee of an Engineering consultancy practice, being a person registered under this Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in - [Act A1158]
- (i) paragraph 15(1)(a); or [Act A1158]
- (ii) paragraphs 15(1)(b) to (o) (except paragraphs (e) and (f)), [Act A1288]
- the Board may, subject to subsection (6), by written notice to the Engineering consultancy practice, order - [Act A1158]
- (aa) the issuance of a written warning or reprimand to; [Act A1158]
- (bb) the imposition of a fine not exceeding fifty thousand ringgit on; [Act A1288]
- (cc) the suspension of the registration for a period not exceeding two years of; [Act A1288]
- (dd) the cancellation of the registration of; or [Act A1158]
- (ee) any combination of the sanctions set out in paragraphs (aa) to (dd) on, [Act A1158]
- the Engineering consultancy practice. [Act A1158]

- (6) (a) The Board shall not make any order under paragraphs (5) (aa) to (ee) based upon any of the grounds of complaint set out in paragraph (5)(a), (b) or (c), or subparagraph (5)(d)(ii) unless - [Act A1158]
- (i) there has been a hearing of the grounds of complaint against the Engineering consultancy practice, sole proprietor or any of its partners, directors, shareholders or employees who has caused, contributed or been a party to, the grounds of complaint, conducted by a Disciplinary Committee appointed by the Board pursuant to section 14A; and [Act A1479]
  - (ii) an opportunity to be heard, by representative appointed in writing or by counsel in the case of an Engineering consultancy practice, or personally or by counsel in the case of a sole proprietor or any partner, director, shareholder or employee has been given to such Engineering consultancy practice, sole proprietor, partner, director, shareholder or employee, as the case may be. [Act A1288]
- (aa) Notwithstanding paragraph (a), the Board may make an order under paragraphs (5)(aa) to (ee) if the Disciplinary Committee has under paragraph 15(1A)(c) or (d) suspended or cancelled the registration of - [Act A1288]
- (i) a sole proprietor; [Act A1158]
  - (ii) one of the partners in a partnership comprising only two partners; or [Act A1158]
  - (iii) one of the directors in the board of directors of a body corporate comprising only two directors. [Act A1158]
- (b) In any case where the grounds of complaint are based on paragraph (5)(d), the Board shall not make an order under paragraphs (5)(aa) to (ee) if, on the date of hearing, such Engineering consultancy practice satisfies the Board - [Act A1158]
- (i) that the partner, director, shareholder or employee who has committed, or is guilty of, or has contributed to, such act or thing as forms the grounds for the complaint has ceased to be a partner, director, shareholder or employee of such Engineering consultancy practice; [Act A1158]
  - (ii) that notwithstanding that such partner, director, shareholder or employee has ceased to be a partner, director, shareholder or employee, such Engineering consultancy practice is able to comply with all the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3); and [Act A1158]

- (iii) that no other partner, director, shareholder or employee of such Engineering consultancy practice was, otherwise than by being its partner, director, shareholder or employee at the material date, in any way a party to, or connected with, the act or thing as forms the grounds for the complaint. [Act A1158]
- (7) Upon the Board suspending or cancelling the registration of an Engineering consultancy practice pursuant to paragraph (5)(cc) or (dd), respectively, the Engineering consultancy practice shall cease to exercise any right or privilege conferred upon it under the registration, but it shall be entitled to recover in any court any fee, charge, remuneration or other form of consideration for professional engineering services rendered by it prior to the date of receipt of the written notice from the Board suspending or cancelling its registration. [Act A1158]
- (8) (a) Without prejudice to section 17, the Board may at any time upon receipt of an application from an Engineering consultancy practice whose registration has been suspended or cancelled pursuant to paragraph (5)(cc) or (dd), respectively, reinstate its registration if it is satisfied that - [Act A1158]
- (i) the reason which led to the suspension or cancellation of its registration no longer exists; and [Act A1158]
- (ii) the Engineering consultancy practice, at the time of such application, complies with the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3) at the time of the original registration. [Act A1158]
- (b) In reinstating the registration under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit. [Act A1158]
- (9), (10), (11), (12) *[Deleted]* [Act A1158]
- 7B.** (1) Where a body corporate carries on a practice of providing a combination of services comprising professional engineering services, architectural consultancy services or quantity surveying services, the Board may, subject to such conditions or restrictions as it may deem fit to impose, register that part of the practice providing professional engineering services. **A body corporate providing a combination of services comprising professional engineering services, architectural consultancy services or quantity surveying services.** [Act A1479]
- (2) The body corporate that applies for registration under subsection (1) must be incorporated under the Companies Act 1965 and - [Act A1158]
- (a) it has a board of directors who shall be subject to such conditions and qualifications as may be prescribed by the Board; [Act A1479]
- (b) its shareholdings shall be as may be prescribed by the Board; [Act A1479]

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



- (4) Nothing in this section shall prohibit - [Act A662]
- (a) any person who, on the appointed date, was registered with any Government department, local authority or statutory authority for the purpose of submitting plans, drawings, schemes, proposals, reports, designs or studies to that department or authority to continue to submit them to that department or authority, subject to such terms and conditions as may be or have been imposed under such registration; and [Act A1479]
- (b) any person holding one of the certificates referred to in subsection 7(3) from continuing to do all things which the certificate enables or authorizes him to do. [Act A1479]
- (c), (d) *[Deleted]* [Act A1479]
- 8A.** (1) A Professional Engineer may submit plans or drawings to any person or authority in Malaysia where such plans or drawings are in relation to an equipment, a plant or a specialised product invented or sold by him or his employer. **Plan or drawing which a Professional Engineer may submit.**  
[Act A1479]
- (2) The employer referred to in subsection (1) shall not include a client. [Act A1479]
- 9.** *[Deleted]* [Act A1479]
- 10.** (1) (a) Subject to this Act, a person who holds – **Qualifications for registration.**  
[Act A1158]
- (i) the qualifications required for Graduate Membership of the Institution of Engineers (Malaysia) and which are recognised by the Board; or [Act A1158]
- (ii) any qualification in engineering which is recognised by the Board, [Act A1158]
- shall be entitled on application to be registered as a Graduate Engineer. [Act A1158]
- (b) Subject to this Act, a person who is registered as a Graduate Engineer under paragraph (a) shall be required to obtain such practical experience as may be determined by the Board in order to be entitled to apply for registration as a Professional Engineer under subsection (2). [Act A1479]
- (2) Subject to this Act, the following persons shall be entitled on application to be registered as Professional Engineers:
- (a) any person – [Act A1479]
- (i) who is registered as a Graduate Engineer and has obtained the practical experience under paragraph (1) (b); [Act A1479]

- (ii) who – [Act A1479]
- (A) has passed a professional assessment examination conducted by the Board; [Act A1479]
- (B) holds a professional qualification which the Board considers to be equivalent to the professional assessment examination conducted by the Board; or [Act A1479]
- (C) is a Corporate Member of the Institution of Engineers (Malaysia); and [Act A1479]
- (iii) who has complied with the requirements as determined by the Board; [Act A1479]
- (b) any person who, on the appointed date, was a Corporate Member of the Institution of Engineers (Malaysia) or held a professional qualification which the Board considers to be equivalent thereto; [Act A1479]
- (c) any person who satisfies the Board that he was practising or was carrying on business or was employed as a *bona fide* engineer immediately before the appointed date and who applies for registration within twelve months of that date: [Act A1479]
- Provided that a person who comes within the scope of subsection 7(3), shall not be entitled to be registered under this paragraph unless he holds a professional qualification recognised by the Board for the purposes of this Act; and
- (d) any person who, on the appointed date, had obtained a qualification which would have entitled him to be registered as a Graduate Engineer by virtue of paragraph (1)(a) and who, after that date, has obtained outside Malaysia a professional qualification which the Board considers to be equivalent to that required for Corporate Membership of the Institution of Engineers (Malaysia), and has passed a professional assessment examination conducted by the Board. [Act A1479]
- (3) For the purpose of paragraph (2)(d), a person shall be treated as having obtained a professional qualification outside Malaysia if, while undergoing the necessary course of studies, receiving the necessary instruction and training, and acquiring the necessary practical experience, he was entirely or mostly absent from Malaysia. [Act A1479]
- (4) No person shall be entitled to be registered as a Professional Engineer with Practising Certificate unless he is at the time of application for or renewal of registration, and has been for a period of not less than six months prior to the date of application or renewal, residing in Malaysia. [Act A1479]

- (5) No person shall be entitled to be registered as a Professional Engineer if at any time prior to his registration there exist any facts or circumstances which would have entitled the Disciplinary Committee to cancel his registration pursuant to section 15. [Act A1288]
- (6) Subsections 17(3) and 19(1) shall apply *mutatis mutandis* to any person whose application for registration has been rejected pursuant to subsection (5). [Act A662]
- 10A.** [Deleted] [Act A1479]
- 10B.** (1) The Board may register a person as an Accredited Checker if – **Registration of Accredited Checker.** [Act A1158]
- (a) he is a Professional Engineer with Practising Certificate registered in the relevant branch of engineering approved by the Board; [Act A1479]
- (b) he has at least 10 years relevant practical experience in the design and construction of buildings as defined in the Street, Drainage and Building Act 1974 [Act 133]; and [Act A1158]
- (c) he satisfies the Board that by virtue of his ability, standing in the profession, special knowledge or practical experience, he is qualified to be registered under this Act. [Act A1158]
- (2) No person shall, unless he is an Accredited Checker, perform the functions or duties as may be prescribed under this Act. [Act A1158]
- 10C.** (1) A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Engineering Technologist. **Registration of Engineering Technologist.** [Act A1479]
- (2) A person who is registered as an Engineering Technologist under subsection (1) shall be entitled on application to be registered as a Graduate Engineer upon fulfilling the requirements under subsection 10(1). [Act A1479]
- 10D.** A person shall be entitled on application to be registered as a Professional Engineer with Practising Certificate if — **Registration of Professional Engineer with Practising Certificate.** [Act A1479]
- (a) the person is a registered Professional Engineer; [Act A1479]
- (b) the person has passed a professional competency examination conducted by the Board; and [Act A1479]
- (c) the person has complied with the requirements as determined by the Board. [Act A1479]
- 10E.** A person who holds any qualification which is recognized by the Board shall be entitled on application to be registered as an Inspector of Works. **Registration of Inspector of Works.** [Act A1479]
- 11.** (Deleted by Act A132)

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

## PART IIIA

[Act A1288]

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**DISCIPLINARY COMMITTEE**


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|-------------|--|---|
| <b>14A.</b> | (1) The Board shall appoint a Disciplinary Committee which shall consist of the following members:   | Establishment of Disciplinary Committee.<br>[Act A1479]   |
|             | (a) a Chairman who shall be a registered Professional Engineer with Practising Certificate;  | [Act A1479]   |
|             | (b) a registered Professional Engineer; and  | [Act A1479]   |
|             | (c) a registered Professional Engineer with Practising Certificate.  | [Act A1479]   |
|             | (2) The members of the Disciplinary Committee shall have been registered as Professional Engineers for a period of not less than seven years prior to their appointment to the Disciplinary Committee.   | [Act A1479]   |
| <b>14B.</b> | The Disciplinary Committee –   | Powers of Disciplinary Committee.<br>[Act A1288]          |
|             | (a) shall conduct hearings of any misconduct or complaint against any registered Person referred to it by the Investigating Committee;   | [Act A1479]   |
|             | (b) may make any or any combination of the orders specified in section 15 against a registered Person under such circumstances as set out in that section.   | [Act A1479]   |
| <b>14C.</b> | (1) Where a member of the Board has been appointed as a member of the Disciplinary Committee in pursuance of section 14A to conduct a hearing of any misconduct or complaint against a registered Person, that member of the Disciplinary Committee shall not sit as a member of the Board when the Board conducts a hearing or makes an order under subsection 7A(5) against an Engineering consultancy practice of which the registered Person is its sole proprietor, partner, director, shareholder or employee. | Proceedings of the Disciplinary Committee.<br>[Act A1479] |
|             | (2) Subject to the provisions of this Act, the Disciplinary Committee may regulate its own procedures in such manner as it deems fit.  | [Act A1288]   |

## PART IV

**CANCELLATION, REMOVAL, REINSTATEMENT, ETC.**

[Act A1158]

15. (1) The Disciplinary Committee may make any or any combination of the orders specified in paragraphs (a) to (d) of subsection (1A) against a registered Person under any of the following circumstances:
- (a) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere; [Act A1288]
- (b) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission; [Act A1288]
- (c) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a sole proprietor, partner, director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client; [Act A1158]
- (d) if his registration under this Act has been obtained by fraud or misrepresentation; [Act A1158]
- (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; [Act A662]
- (f) if he is found to be of unsound mind; [Act A1158]
- (fa) if he is found to be incapable or no longer able to perform his professional duties effectively; [Act A1158]
- (fb) if he becomes a bankrupt; [Act A1158]
- (g) if he is found by the Disciplinary Committee to have contravened, or failed to comply with this Act or any regulations made thereunder; [Act A1288]
- (h) if he fails to observe any conditions or restrictions subject to which he is registered; [Act A1158]
- (i) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; [Act A1288]
- (j) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation, the approval of the Board for a sole proprietorship, partnership or body corporate to be registered as an Engineering consultancy practice; [Act A1158]

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

- (4) The Disciplinary Committee or Board, as the case may be, may upon the recommendation of the Investigating Committee suspend the registration of the registered Person or Engineering consultancy practice mentioned in subsection (3) for a further period of three months but not exceeding six months, if the Investigating Committee is unable to complete the investigation of such registered Person or Engineering consultancy practice within the period of suspension stipulated in subsection (3). [Act A1479]
16. There shall be removed from the Register the name and other particulars of – Removal from Register. [Act A1479]
- (a) any registered Person who has died, or Engineering consultancy practice which has ceased to practise; [Act A1479]
- (b) any registered Person, other than a Graduate Engineer, Engineering Technologist, or Engineering consultancy practice who has failed to renew his or its registration within one month of the expiry of the registration; [Act A1479]
- (c) any registered Person whose registration has been cancelled under paragraph 15(1A)(d) or any Engineering consultancy practice whose registration has been cancelled under subsection 7B(3) or paragraph 7A(5)(dd); or [Act A1479]
- (d) any registered Person or Engineering consultancy practice whose registration has been effected by reason of any mistake or error made by the Board in considering his or its application for registration. [Act A1479]
17. (1) Any registered Person or Engineering consultancy practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or Board under subsection 15(1A) or 7A(5), respectively shall, if his or its appeal is allowed, forthwith be reinstated and the Registrar shall issue a certificate of registration to him or it. Reinstatement. [Act A1479]
- (2) Any registered Person, other than a Graduate Engineer, Engineering Technologist, or Engineering consultancy practice whose name has been removed from the Register for failure to renew his or its registration for a period of not more than three years shall be reinstated as soon as may be after he or it has notified the Registrar of his or its desire to be reinstated and upon payment of such fees as may be prescribed and satisfying such conditions as may be determined by the Board, and the Registrar shall issue a certificate of registration to him or it. [Act A1479]



- (2A) A registered Person, other than a Graduate Engineer, Engineering Technologist, or an Engineering consultancy practice, who fails to renew his or its registration for a period of more than three years after its expiry may be reinstated if he or it applies to the Board for reinstatement and the Board is satisfied with his or its reasons for reinstatement and upon payment of such fees as may be prescribed and satisfying such conditions as may be determined by the Board, shall issue a certificate of registration to him. [Act A1479]
- (3) A registered Person or Engineering consultancy practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or the Board under subsection 15(1A) or 7A(5) respectively, and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than six months from the date of the order of cancellation or from the date of the decision of the appeal, apply for reinstatement. [Act A1479]
- (4) The Board shall issue a certificate of registration to the registered Person or Engineering consultancy practice upon — [Act A1479]
- (a) receipt of satisfactory evidence for his or its reinstatement; [Act A1479]
- (b) satisfying such conditions as may be determined by the Board; [Act A1479]
- (c) reimbursement to the Board of all expenditure incurred arising out of the proceedings leading to the cancellation of his or its registration; and [Act A1479]
- (d) payment of the prescribed fee. [Act A1479]
- 18.** Any registered Person or Engineering consultancy practice whose name is removed from the Register shall within fourteen days after notification to him or it by registered post of the removal, surrender to the Board the certificate of registration issued to him or it under this Act. Certificates to be returned. [Act A1479]

## PART V

## GENERAL

19. (1) Any person, sole proprietorship, partnership or body corporate –
- (a) who has been refused registration by the Board; Appeal.  
[Act A1158]
  - (b) who has been registered but is dissatisfied with any conditions or restrictions imposed by the Board under section 7B, subsection 7A(3) or 10D, or section 4(1)(b); [Act A1479]
  - (c) who having been registered has had his or its name removed from the Register pursuant to an order made by the Disciplinary Committee or Board under subsection 15(1A) or 7A(5), respectively; [Act A1288]
  - (d) who has been registered and has subsequently applied to have his or its registration extended to cover additional branches of engineering and has had his or its application refused; or [Act A1158]
  - (e) who is not satisfied with an order of the Disciplinary Committee or Board made under subsection 15(1A) or 7A(5), respectively, [Act A1288]
- may within twenty-one days of being notified of the refusal, conditions, restrictions, removal or order, appeal to the Appeal Board constituted under section 20 and the Appeal Board may thereupon make such orders as it may deem just or proper. [Act A1158]
- (2) The Disciplinary Committee or Board shall give effect to any order made by the Appeal Board forthwith. [Act A1288]
20. For the purpose of this Part there shall be established an Appeal Board consisting of a Judge of the High Court as Chairman who shall be appointed by the Yang di-Pertuan Agong (after consultation with the Chief Justice) and two other persons appointed by the Yang di-Pertuan Agong. Appeal Board.
21. A member of the Appeal Board shall unless he sooner resigns his office or his appointment is revoked hold office for such term as may be specified in the instrument appointing him and shall be eligible for re-appointment. Tenure of office of  
members of the Appeal  
Board.
22. (1) A notice of appeal against an order of the Board or Disciplinary Committee referred to in section 19 shall be made in writing to the Appeal Board and a copy of the notice sent to the President of the Board or Chairman of the Disciplinary Committee. Procedure of appeal.  
[Act A1288]

- (2) On receipt of a copy of the notice of appeal, the President of the Board or the Chairman of the Disciplinary Committee or in the absence of the President or the Chairman, the member so delegated by the President or the Chairman, shall cause to be prepared and sent to the Chairman of the Appeal Board records or a summary of the records of the proceedings of the Board or the Disciplinary Committee and a statement setting out the grounds on which the Board or the Disciplinary Committee arrived at its decision. [Act A1288]
- (3) Upon receiving the records or summary of the records and the grounds of the decision of the Board or Disciplinary Committee the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal. [Act A1288]
- (4) The Appeal Board after hearing the appeal may confirm or vary the decision of the Board or Disciplinary Committee. [Act A1288]
- (5) The decision of the Appeal Board shall be final.
23. The Appeal Board shall at its discretion determine its own procedure. Procedure of Appeal Board.
24. Any person, sole proprietorship, partnership or body corporate who – Penalties for obtaining registration by false pretences, *etc.* [Act A1158]
- (a) procures or attempts to procure registration or a certificate of registration under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in the Register;
- (c) forges, alters or counterfeits any certificate of registration under this Act;
- (d) uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited; [Act A1158]
- (e) impersonates a registered Person; [Act A1479]
- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another registered Person or Engineering consultancy practice; [Act A1479]
- (g) sells any certificate of registration issued under this Act; or [Act A1158]
- (h) contravenes section 7 or 8, or subsection 7A(1), 24A(1) or 24B(5), [Act A1158]
- shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit, or to imprisonment for a term not exceeding three years, or to both. [Act A1288]

- 24A.** (1) No person shall employ a person, sole proprietorship, partnership or body corporate, other than a Professional Engineer with Practising Certificate or Engineering consultancy practice, to perform professional engineering services. Restriction on employment of unregistered person to provide professional engineering services. [Act A1479]
- (2) Nothing in subsection (1) shall prohibit the employment of any person holding one of the certificates referred to in section 7(3) to do all things which the certificate enables or authorizes him to do. [Act A662]
- 24B.** (1) For the purposes of subsection 15(3), the Board shall appoint an Investigating Committee which shall consist of the following members: Investigating Committee and its powers. [Act A1479]
- (a) a Chairman who shall be a registered Professional Engineer with Practising Certificate; and [Act A1479]
- (b) two other members, one of whom shall be a Professional Engineer with Practising Certificate. [Act A1479]
- (2) Where a member of the Investigating Committee is a member of the Board, he shall not sit as a member of the Board when the Board conducts a hearing or makes an order under subsection 7A(5) in respect of the Engineering consultancy practice which has been examined by the Investigating Committee of which he is a member. [Act A1288]
- (2A) Where the Investigating Committee has conducted an investigation against a registered Person, the member of the Investigating Committee shall not sit as a member of the Disciplinary Committee appointed in pursuance of section 14A to conduct a hearing of any misconduct or complaint or to make an order under subsection 15(1A) in respect of the registered Person who has been investigated by the Investigating Committee of which he is a member. [Act A1479]
- (3) The Investigating Committee appointed under subsection (1) may, for the purpose of an investigation – [Act A1158]
- (a) require any person, including a sole proprietor, partner, director, manager or secretary, to attend before it and give evidence on oath or affirmation, and the Chairman of the Investigating Committee presiding at the investigation may administer the oath; and [Act A1158]
- (b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control. [Act A1158]
- (4) Upon completion of its investigation, the Investigating Committee shall submit a report together with its recommendations, if any, to the Board or Disciplinary Committee for its consideration. [Act A1288]
- (5) A person, including a sole proprietor, partner, director, manager or secretary, shall, unless with reasonable excuse – [Act A1158]
- (a) attend and give evidence when required to do so by the Investigating Committee; [Act A1158]

- (b) answer truthfully and fully any question put to him by any member of the Investigating Committee; or [Act A1158]
- (c) produce to the Investigating Committee any book, document or paper required of him. [Act A1158]
- 25.** (1) Any person, sole proprietorship, partnership or body corporate who contravenes this Act or any regulations made thereunder shall be guilty of an offence and shall, where no penalty is expressly provided therefor, be liable, on conviction, to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year, or to both. General penalty. [Act A1288]
- (2) If a sole proprietorship, partnership or body corporate contravenes this Act or any regulations made thereunder, the sole proprietor or every partner, director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the sole proprietorship, partnership or body corporate is guilty of and liable to, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part. [Act A1158]
- (3) If a registered Person or Engineering consultancy practice refuses or fails to comply with an order of the Disciplinary Committee or Board made under subsection 15(1A) or 7A(5), respectively or the Appeal Board made under section 19, he shall be guilty of an offence, and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit in the case of an individual, or to a fine not exceeding fifty thousand ringgit in the case of an Engineering consultancy practice. [Act A1479]
- 26.** The Board may with the approval of the Minister make regulations to prescribe anything which may be prescribed or is required to be prescribed under this Act or to enable it to perform any of its functions or to exercise any of its powers set out in this Act. Regulations. [Act A662]
- 26A.** (1) Subject to subsection (2) and such policy as the Board may from time to time adopt, the President may from time to time, on application in the prescribed form and on payment of the prescribed fee and on such conditions or with such restrictions as he thinks fit to impose, in writing authorize any person who is not a registered Person or any sole proprietorship, partnership or body corporate which is not an Engineering consultancy practice to do any act or thing that the person, sole proprietorship, partnership or body corporate would, but for the authorization, be prohibited, or not be entitled, to do, and may at any time, without assigning any reason therefor, withdraw the authorization by notice served on the person, sole proprietorship, partnership or body corporate. Authorization by President. [Act A1479]
- (2) No person, sole proprietorship, partnership or body corporate shall be authorized under this section to do any such act or thing for more than a total period of one hundred and eighty days in any one calendar year. [Act A1158]

- (3) A person, sole proprietorship, partnership or body corporate who does any such act or thing under and in accordance with an authorization under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted or entitled to do that act or thing as if he or it were a registered Person or an Engineering consultancy practice. [Act A1479]
27. Nothing in this Act contained shall apply to anything done or omitted to be done by or under the authority of the Federal Government or the Government of any State. Saving as to right of Government.
28. (1) No action or proceeding shall be instituted or maintained in any court against the Board, Disciplinary Committee, Appeal Board, Investigating Committee or any committee appointed by the Board, any members of the Board, Disciplinary Committee, Appeal Board, Investigating Committee or any such committee, or any person authorized to act for or on behalf of the Board for any act or omission done in good faith in the discharge of any of its or his functions, powers and duties under this Act or any regulations made under this Act. Indemnity. [Act A1288]
- (2) This section does not apply to powers conferred under subsection 4(2) or any power to enter into contracts exercised by the Board. [Act A1158]
29. The Board may appoint an advocate and solicitor to institute and conduct proceedings on its behalf. Appointment of advocate and solicitor. [Act A1158]

**SCHEDULE**

[Act A1479]

**[Section 3(7)]**

1. (1) The following persons shall be disqualified from being appointed or being members of the Board:
  - (a) a person who is of unsound mind and/or is otherwise incapable of performing his duties; and
  - (b) a bankrupt.
- (2) A member of the Board shall vacate his office if he fails to attend three consecutive meetings of the Board without the permission in writing of the President or if he becomes disqualified under subparagraph (1). [Act A1158]
2. (1) The Board shall meet at least once a year at such place as may from time to time be appointed by the President. [Act A1158]
- (2) At any meeting of the Board the President shall preside, and in his absence the members shall elect one of their number to preside over the meeting.
- (3) Nine members of whom at least two shall be members appointed under paragraph 3(3)(a) or (b) and two shall be members appointed under paragraph 3(3)(c) or (d) personally present at any meeting of the Board shall constitute a quorum. [Act A132]
- (4) If on any question to be determined by the Board there is an equality of votes, the President or, in the case where the President is absent, the member presiding over that meeting shall have a casting vote.
- (5) Subject to sub-paragraphs (3) and (4) the Board shall determine its own procedure and, except in relation to sections 7A, 7B and 26, have power to delegate to committees appointed by the Board all or any of the functions of the Board upon such terms and subject to such conditions and restrictions as the Board may in its absolute discretion think fit. Any act, ruling or decision of any committee so appointed shall be deemed to be the act, ruling or decision of the Board. [Act A1288]
- (6) The Board shall cause proper records of its proceedings and of the proceedings of any committee appointed by it to be kept. [Act A662]
3. (1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board as the Board may think fit.
- (2) Until a seal is provided by the Board under this paragraph, a stamp bearing the description "Board of Engineers" may be used and shall be deemed to be the common seal.

- (3) The common seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President, and any document purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is shown be deemed to have been validly executed.
4. All monies arising from fees payable under this Act shall be paid to the Board to be applied in the first place to defraying the expenses of registration and other expenses of the administration of this Act including any expenses of the Board that may be allowed under any regulations made under this Act and thereafter to providing scholarships and the promotion of learning and education in connection with engineering. Monies not immediately required by the Board shall be invested in such trustee securities as the Board may from time to time determine.

SECOND SCHEDULE *[Deleted]*

[Act A1479]

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



**Act 138****REGISTRATION OF ENGINEERS ACT 1967**

## LIST OF AMENDMENTS

<b>Amending law</b>	<b>Short title</b>	<b>In force from</b>
Act A132	Registration of Engineers (Amendment) Act 1972	07-07-1972
Act A173	Registration of Engineers (Amendment) Act 1973	23-08-1972
Act A218	Registration of Engineers (Amendment) Act 1974	22-02-1974 except paragraph 2(b): 01-07-1974
Act A662	Registration of Engineers (Amendment) Act 1987	16-01-1987
Act A1158	Registration of Engineers (Amendment) Act 2002	01-12-2002
Act A1288	Registration of Engineers (Amendment) Act 2007	01-04-2007
Act A1479	Registration of Engineers (Amendment) Act 2015	31-07-2015

**Act 138****REGISTRATION OF ENGINEERS ACT 1967**

## LIST OF SECTIONS AMENDED

<b>Section</b>	<b>Amending authority</b>	<b>In force from</b>
Long title	Act A1158	01-12-2002
2	Act A132	07-07-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
3	Act A132	07-07-1972
	Act A173	23-08-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
4	Act A132	07-07-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
5	Act A132	07-07-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1479	31-07-2015
6	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
7	Act A132	07-07-1972
	Act A173	23-08-1972
	Act A218	22-02-1974, 01-07-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1479	31-07-2015
7A	Act A218	22-02-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015

<b>Section</b>	<b>Amending authority</b>	<b>In force from</b>
7B	Act A1158	01-12-2002
	Act A1479	31-07-2015
8	Act A132	07-07-1972
	Act A173	23-08-1972
	Act A218	22-02-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1479	31-07-2015
8A	Act A1479	31-07-2015
9	Act A1158	01-12-2002
10	Act A132	07-07-1972
	Act A173	23-08-1972
	Act A218	22-02-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
10A	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
10B	Act A1158	01-12-2002
	Act A1479	31-07-2015
10C	Act A1479	31-07-2015
10D	Act A1479	31-07-2015
10E	Act A1479	31-07-2015
11	Act A132	07-07-1972
12	Act A1158	01-12-2002
13	Act A132	07-07-1972
	Act A1158	01-12-2002
	Act A1479	31-07-2015
14	Act A1158	01-12-2002
	Act A1479	31-07-2015
14A	Act A1288	01-04-2007
	Act A1479	31-07-2015
14B	Act A1288	01-04-2007
	Act A1479	31-07-2015
14C	Act A1288	01-04-2007
	Act A1479	31-07-2015

<b>Section</b>	<b>Amending authority</b>	<b>In force from</b>
15	Act A132	07-07-1972
	Act A218	22-02-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
16	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1479	31-07-2015
17	Act A132	07-07-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
18	Act A1158	01-12-2002
	Act A1479	31-07-2015
19	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
22	Act A1158	01-12-2002
	Act A1288	01-04-2007
24	Act A132	07-07-1972
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
24A	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1479	31-07-2015
24B	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
25	Act A173	23-08-1972
	Act A218	22-02-1974
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
	Act A1479	31-07-2015
26	Act A662	16-01-1987
26A	Act A218	22-02-1974
	Act A1158	01-12-2002
	Act A1479	31-07-2015

<b>Section</b>	<b>Amending authority</b>	<b>In force from</b>
28	Act A1158	01-12-2002
	Act A1288	01-04-2007
29	Act A1158	01-12-2002
Schedule	Act A1479	31-07-2015
First Schedule	Act A132	07-07-1972
	Act A662	16-01-1987
	Act A1158	01-12-2002
	Act A1288	01-04-2007
Second Schedule	Act A1158	01-12-2002

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# **REGISTRATION OF ENGINEERS REGULATIONS 1990**

**(INCORPORATING  
AMENDMENTS UP TO 2015)**

**REGISTRATION OF ENGINEERS REGULATIONS 1990  
(Revised 2015)**

Revised up to ... .. 2015

*Gazette* No. ... .. P.U. (A) 173.

Date coming into operation ... .. 31 July 2015

Regulations 1990 [P.U. (A) 128.] referred as Principal Regulations

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**REGISTRATION OF ENGINEERS ACT 1967**

**REGISTRATION OF ENGINEERS REGULATIONS 1990  
(REVISED 2015)**

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**REGISTRATION OF ENGINEERS ACT 1967**

**REGISTRATION OF ENGINEERS REGULATIONS 1990  
(REVISED 2015)**

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**

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**PRELIMINARY**

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- |    |   |   |
|----|---|---|
| 1. | (1) These regulations may be cited as the <b>Registration of Engineers (Amendment) Regulations 2015</b> . | <b>Citation and commencement.</b><br>[P.U. (A) 173./2015] |
|    | (2) These Regulations come into operation on 31 July 2015.  | [P.U. (A) 173./2015]                                      |
| 2. | In these Regulations, unless the context otherwise requires -   | <b>Interpretation.</b><br>[P.U. (A) 424./2003]            |
|    | "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

- |           |   |   |
|-----------|---|---|
| <b>3.</b> | <p>(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.</p> <p>(2) The Secretary shall consult the President on any business other than of a routine nature requiring attention before each meeting of the Board.</p>  | <b>Meetings of the Board.</b>                                 |
| <b>4.</b> | <p>(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.</p> <p>(1A) Notwithstanding subregulation (1), in any exceptional circumstances, the President may request the Secretary to give not less than three days notice in writing to convene a meeting.</p> <p>(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.</p> | <p><b>Notice of meetings.</b></p> <p>[P.U. (A) 173./2015]</p> |
| <b>5.</b> | <p>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.</p>   | <b>Votes.</b>   |
| <b>6.</b> | <p>Votes shall only be given by members present and voting.</p>   | <p><b>Proxies not admitted.</b><br/>[P.U. (A) 424./2003]</p>  |
| <b>7.</b> | <p>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.</p>  | <b>Minutes.</b>   |
| <b>8.</b> | <p>(1) The Board may from time to time appoint committees from amongst its members or persons whom the Board considers suitable; and the Board may at any time dissolve any committee so appointed.</p>   | <p><b>Committees.</b><br/>[P.U. (A) 173./2015]</p>            |

- (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.
- (1A) The appointment of the Secretary of the Board under subregulation (1) may be made for a term of two years and may be renewed. [P.U. (A) 173./2015]
- (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 30<sup>th</sup> June in each year the audited accounts for the preceding financial year.
- 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 five thousand ringgit. Bank account.  
[P.U. (A) 173./2015]
- 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 - Accounts.
- (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.

- 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. **Expenses of the Board.**
- (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. [P.U. (A) 424./2003]
- 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<sup>st</sup> December. **Financial year.**



- 19.** (1) A registered Person shall be issued with a certificate of registration in any form as may be determined by the Board duly signed by the President and the Registrar and sealed with the common seal of the Board. **Forms of certificates of registration.**  
[P.U. (A) 173./2015]
- (2) A certificate of registration issued to a registered Person shall be in the form as specified on the Board's website. [P.U. (A) 173./2015]
- (3) *[Deleted]* [P.U. (A) 424./2003]
- (4) *[Deleted]* [P.U. (A) 424./2003]
- 20.** (1) A registered Person desirous of renewing his registration under section 13(2) of the Act shall - **Renewal fee.**  
[P.U. (A) 173./2015]
- (a) submit to the Board - [P.U. (A) 424./2003]
- (i) an application for renewal of registration in the form as specified on the Board's website on or before the date as specified in Schedule II; and [P.U. (A) 173./2015]
- (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 [P.U. (A) 424./2003]
- (b) satisfy such conditions as determined by the Board. [P.U. (A) 424./2003]
- (2) Where the application for renewal of registration under sub-regulation (1) is approved by the Board, the Registrar shall issue to the registered Person mentioned in that sub-regulation a certificate of registration in the form as specified on the Board's website. [P.U. (A) 173./2015]
- (3) The Board may refuse to renew the registration of a registered Person if he has failed to satisfy any conditions as determined by the Board under subparagraph (1)(b). [P.U. (A) 173./2015]
- 21.** Any registered Person, 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.**  
[P.U. (A) 173./2015]
- 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.**  
[P.U. (A) 173./2015]



- (a) the Graduate Engineer must undergo - [P.U. (A) 424./2003]
- (i) at least two years of general training that will provide a sound basis for professional development; and [P.U. (A) 424./2003]
  - (ii) at least one year of professional career development and training providing wide exposure to the various managerial and technical expertise in engineering practice, [P.U. (A) 424./2003]
- 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 [P.U. (A) 424./2003]
- (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. [P.U. (A) 424./2003]
- (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 sub-regulation (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. [P.U. (A) 424./2003]

## Part IIIA

<b>INVESTIGATING COMMITTEE</b>		[P.U. (A) 424./2003]
<b>22A</b>	<p>(1) Any person who seeks to make a complaint against a registered Person 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.</p> <p>(2) Where the Board has received a complaint in pursuance of sub-regulation (1) and it is satisfied that there may be sufficient grounds for the complaint, it shall appoint an Investigating Committee to investigate the complaint.</p>	<p><b>Complaints against registered Person or Engineering consultancy practice made in writing.</b> [P.U. (A) 173./2015]</p> <p>[P.U. (A) 424./2003]</p>
<b>22B</b>	<p>(1) Prior to the commencement of investigations by the Investigating Committee, the Registrar shall forward a notice by registered post to the registered Person or Engineering consultancy practice at his or its last known address, which shall -</p> <p style="padding-left: 2em;">(a) state the complaint against the registered Person or Engineering consultancy practice;</p> <p style="padding-left: 2em;">(b) require the registered Person 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</p> <p style="padding-left: 2em;">(c) request the registered Person or Engineering consultancy practice to attend and give evidence before the Investigating Committee, where required to do so.</p> <p>(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 Person 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 Person or Engineering consultancy practice.</p> <p>(3) The Investigating Committee shall upon completion of its investigation of the complaint, submit to the Board for matters under subsection 7A(5) of the Act, or to the Disciplinary Committee for matters under subsection 15(1) of the Act, for consideration -</p> <p style="padding-left: 2em;">(a) a report of its investigation;</p> <p style="padding-left: 2em;">(b) its recommendations, if any; and</p>	<p><b>Investigation by the Investigating Committee.</b> [P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p> <p>[P.U. (A) 173./2015]</p>

- (c) a draft of the charge containing the facts of the complaint alleged to have been committed by the registered Person or Engineering consultancy practice, if the Investigating Committee is satisfied that there are grounds for the complaint against the registered Person or Engineering consultancy practice. [P.U. (A) 173./2015]
- (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. [P.U. (A) 424./2003]
- 22C** (1) Upon receipt of a report from the Investigating Committee and its recommendations, if any, the Disciplinary Committee or the Board, as the case may be, shall – **Hearing by the Disciplinary Committee or Board.** [P.U. (A) 173./2015]
- (a) cause the charge to be forwarded by registered post to the registered Person or Engineering consultancy practice at his or its last known address; [P.U. (A) 173./2015]
- (b) request the registered Person or the Engineering consultancy practice to attend a hearing to be convened by the Disciplinary Committee or the Board in pursuance of section 15 or 7 of the Act; as the case may be; and [P.U. (A) 173./2015]
- (c) inform the Engineering consultancy practice or registered Person 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 - [P.U. (A) 173./2015]
- (i) in the case of the Engineering consultancy practice, it may be heard by a representative appointed in writing or by counsel; [P.U. (A) 173./2015]
- (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 [P.U. (A) 173./2015]
- (iii) in the case of the registered Person, he may be heard either personally or by a person appointed by him. [P.U. (A) 173./2015]
- (2) Where the registered Person or Engineering consultancy practice, without reasonable excuse, fails to attend the hearing convened respectively by the Disciplinary Committee or the Board, the Disciplinary Committee or the Board may proceed to hear the case notwithstanding the absence of the registered Person or Engineering consultancy practice, if the Disciplinary Committee or the Board is satisfied that the provisions in sub-regulation (1) have been complied with. [P.U. (A) 173./2015]

## PART IV

<b>CODE OF CONDUCT</b>		[P.U. (A) 173./2015]
<b>23.</b>	Every registered Person shall conduct himself honourably, responsibly, ethically and lawfully.	<b>Conduct of registered Person.</b> [P.U. (A) 173./2015]
<b>24.</b>	A registered Person shall –	<b>Responsibility to employer, client or profession.</b> [P.U. (A) 173./2015]
	<i>(a)</i> discharge his professional duties with due skill, care, diligence and good faith;	[P.U. (A) 173./2015]
	<i>(b)</i> at all times hold paramount the safety, health and interest of the public; and	[[P.U. (A) 173./2015]
	<i>(c)</i> take reasonable steps to reduce foreseeable adverse effects of professional engineering services on the environment.	[P.U. (A) 173./2015]
<b>25.</b>	A registered Person shall discharged his duties to his employer or client, as the case may be, with complete fidelity.	<b>Discharge of duties with fidelity.</b> [P.U. (A) 173./2015]
<b>26.</b>	A registered Person shall not maliciously injure or attempt to maliciously injure whether directly or indirectly, the professional reputation, prospects or business of another registered Person.	<b>Reputation etc. of a registered Person not to be injured.</b> [P.U. (A) 173./2015]
<b>27.</b>	A registered Engineer shall not —	<b>Canvassing and advertising prohibited.</b>
	<i>(a)</i> canvass or solicit professional employment;	
	<i>(b)</i> offer any gift or other valuable consideration, or pay a commission or brokerage fee in order to secure professional employment;	[P.U. (A) 173./2015]
	<i>(c)</i> except as permitted by the Board, advertise in any manner or form in connection with his profession; or	[P.U. (A) 424./2003]
	<i>(d)</i> provide professional engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties; or	[P.U. (A) 173./2015]
	<i>(e)</i> offer, give, solicit or receive, either directly or indirectly, any contribution which may be reasonably construed as having the effect of intent to influencing the award of a contract.	[P.U. (A) 173./2015]
<b>27A.</b>	An Engineering consultancy practice shall not —	<b>Canvassing and advertising by an Engineering consultancy practice.</b> [P.U. (A) 173./2015]
	<i>(a)</i> canvass or solicit to provide professional engineering services except as permitted by the Board;	[P.U. (A) 173./2015]
	<i>(b)</i> offer any gift or other valuable consideration, or pay a commission or brokerage fee in order to provide professional engineering services;	[P.U. (A) 173./2015]

- (c) except as permitted by the Board, advertise in any manner or form any advertisement in connection with the engineering profession; [P.U. (A) 173./2015]
- (d) provide professional engineering services to any client, unless the scope of the services are clearly defined in a written agreement between both parties; or [P.U. (A) 173./2015]
- (e) offer, give, solicit or receive, either directly or indirectly, any contribution which may be reasonably construed as having the effect of intent to influencing the award of a contract. [P.U. (A) 173./2015]
28. *[Deleted]* [P.U. (A) 173./2015]
29. A registered Person or 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. **Restrictions on making payments or placing contracts.** [P.U. (A) 173./2015]
30. *[Deleted]* [P.U. (A) 424./2003]
31. A registered Engineer or an Engineering consultancy practice shall not directly or indirectly – **A registered Engineer or an Engineering consultancy practice in not to intervene or to take over the work of another.** [P.U. (A) 173./2015]
- (a) supplant or attempt to supplant another registered Engineer or an Engineering consultancy practice; [P.U. (A) 173./2015]
- (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 an Engineering consultancy practice; or [P.U. (A) 173./2015]
- (c) take over any work of that other registered Engineer or an Engineering consultancy practice acting for the same client unless he has - [P.U. (A) 173./2015]
- (i) obtained the consent of that other registered Engineer or an Engineering consultancy practice; or [P.U. (A) 173./2015]
- (ii) been formally notified by the client that the services of that other registered Engineer or an Engineering consultancy practice have been terminated in accordance with the provisions of any contract for professional engineering services entered into between that other registered Engineer or an Engineering consultancy practice 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. [P.U. (A) 173./2015]

- 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.**  
[P.U. (A) 173./2015]

[P.U. (A) 424./2003]

**Disclosure of interest.**

## PART V

## REGISTRATION OF ENGINEERING CONSULTANCY PRACTICE

[P.U. (A) 424./2003]

- |             |   |  |
|-------------|---|--|
| <b>34.</b>  | <p>(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 on the Board's website.</p> | <b>Form of application.</b><br>[P.U. (A) 173./2015]        |
|             | <p>(2) Every application for registration as an Engineering consultancy practice shall be accompanied with —</p>  | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 20px;">(a) a processing fee as specified in Schedule II, which is not refundable; and</p>   | [P.U. (A) 424./2003]                                       |
|             | <p style="padding-left: 20px;">(b) a registration fee as specified in Schedule II, which shall be refunded to the applicant who is unsuccessful in its application,</p>   | [P.U. (A) 424./2003]                                       |
|             | <p>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.</p>   | [P.U. (A) 424./2003]                                       |
| <b>34A.</b> | <p>(1) A body corporate registered as an Engineering consultancy practice under section 7A of the Act shall have —</p>  | <b>Paid up capital and equity.</b><br>[P.U. (A) 173./2015] |
|             | <p style="padding-left: 20px;">(a) a minimum paid up capital of fifty thousand ringgit;</p>   | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 20px;">(b) at least seventy percent of its share equity held by Professional Engineers with Practicing Certificate; and</p>   | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 20px;">(c) the remaining share equity may be held by —</p>  | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 40px;">(i) any person; or</p>   | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 40px;">(ii) any body corporate; or</p>  | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 40px;">(iii) any person and body corporate.</p>   | [P.U. (A) 173./2015]                                       |
|             | <p>(2) A body corporate registered under section 7B of the Act shall have —</p>   | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 20px;">(a) a minimum paid up capital of one hundred and fifty thousand ringgit;</p>   | [P.U. (A) 173./2015]                                       |
|             | <p style="padding-left: 20px;">(b) at least sixty percent of its share equity held by Professional Engineers with Practicing Certificate with combination of service comprising Architects or Professional Quantity Surveyors;</p>                              | [P.U. (A) 173./2015]                                       |

- (c) minimum share of ten percent shall be held by the Professional Engineers with Practicing Certificate; and [P.U. (A) 173./2015]
- (d) the remaining share equity may be held by – [P.U. (A) 173./2015]
- (i) any person; or [P.U. (A) 173./2015]
- (ii) any body corporate; or [P.U. (A) 173./2015]
- (iii) any person and body corporate. [P.U. (A) 173./2015]
- 34B.** (1) A body corporate registered as an Engineering consultancy practice under section 7A of the Act shall have – **Composition of Board of Directors.** [P.U. (A) 173./2015]
- (a) a Board of Directors where at least two third of its members are Professional Engineers with Practicing Certificate; [P.U. (A) 173./2015]
- (b) the remaining members of the Board of Directors may be any persons; and [P.U. (A) 173./2015]
- (c) one of the Board of Director shall be the person named under paragraph 7A(3)(iv) of the Act. [P.U. (A) 173./2015]
- (2) A body corporate registered under section 7B of the Act shall have – [P.U. (A) 173./2015]
- (a) a Board of Directors where at least two third of its members are Professional Engineers with Practicing Certificate with combination of service comprising Architects or Professional Quantity Surveyors; [P.U. (A) 173./2015]
- (b) the remaining members of the Board of Directors may be any persons; and [P.U. (A) 173./2015]
- (c) one of the Board of Director shall be the person named under paragraph 7B(2)(d) of the Act. [P.U. (A) 173./2015]
- 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 on the Board’s website. **Certificate of registration for Engineering consultancy practice.** [P.U. (A) 173./2015]
- 36.** (1) An Engineering consultancy practice desirous of renewing its registration under section 13(2) of the Act shall — **Renewal of certificate of registration and reinstatement fee.** [P.U. (A) 173./2015]
- (a) submit to the Board — [P.U. (A) 424./2003]
- (i) an application for renewal of registration in the form as specified on the Board’s website on or before the date as specified in Schedule II; and [P.U. (A) 173./2015]



- (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 [P.U. (A) 424./2003]
  - (b) satisfy such conditions as determined by the Board. [P.U. (A) 424./2003]
- (2) Where the application for renewal of registration under sub-regulation (1) is approved by the Board, the Board shall issue to the Engineering consultancy practice a certificate of registration in the form as specified on the Board's website. [P.U. (A) 173./2015]
- (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. [P.U. (A) 173./2015]

## 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 on the Board's website and accompanied by a fee for the Professional Assessment Examination as specified in Schedule III.
- Form of application to sit for Professional Assessment Examination.**  
[P.U. (A) 173./2015]
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.**  
[P.U. (A) 424./2003]
- (a) a professional interview conducted by not less than two examiners appointed by the Board; [P.U. (A) 424./2003]
- (b) a written paper on any relevant subject related to the practical experience which he has obtained; [P.U. (A) 424./2003]
- (c) a written paper on his understanding of the Code of Professional Conduct; and [P.U. (A) 424./2003]
- (d) any other examination, written or otherwise, to be determined by the Board. [P.U. (A) 424./2003]

**PART VIA**

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**PROFESSIONAL COMPETENCY EXAMINATION**

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[P.U. (A) 173./2015]

- |             |     |   |   |
|-------------|-----|---|---|
| <b>38A.</b> | (1) | The Professional Engineer who intend to be registered as Professional Engineer with Practicing Certificate under section 10D of the Act, shall pass the Professional Competency Examination.  | <b>Professional Competency Examination.</b><br>[P.U. (A) 173./2015] |
|             | (2) | Every Professional Engineer who intends to sit for the Professional Competency Examination shall submit to the Board the application for as specified on the Board's website and accompanied with the fee for the Professional Competency Examination as specified in Schedule III. | [P.U. (A) 173./2015]  |

**PART VII**

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**REVOCATION**

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39. The Registration of Engineers Regulations 1972 [*P.U.(A) 290/72*] are revoked with effect from the commencement of these Regulations.
- SCHEDULE I [*Deleted*]
- Revocation.**  
[P.U. (A) 128./1990]
- [P.U. (A) 173./2015]

**SCHEDULE II**

[P.U. (A) 173./2015]

**REGISTRATION OF ENGINEERS ACT 1967****REGISTRATION OF ENGINEERS REGULATIONS 1990  
(Regulations 18, 20, 21, 34 and 36)****FEEES FOR PROCESSING, REGISTRATION, RENEWAL AND  
REINSTATEMENT OF REGISTRATION**

	<b>Processing Fee</b>	<b>Registration Fee</b>	<b>Renewal Fee</b>	<b>Date of yearly renewal of registration</b>	<b>Reinstatement Fee</b>
Graduate Engineer	RM50.00	Not applicable	Not applicable	Not applicable	Not applicable
Engineering Technologist	RM50.00	Not applicable	Not applicable	Not applicable	Not applicable
Inspector of Works	RM50.00	** RM50.00	RM30.00	31 January of the third year following the year of expiration of registration	RM180.00
Professional Engineer	RM50.00	** RM300.00	RM200.00 (Age below 60 years)	31 January of the year following the year of expiration of registration	RM1,250.00
			RM100.00 (Age 60 years and above)		RM1,150.00
Professional Engineer with Practicing Certificate	RM50.00	** RM200.00	RM400.00	31 January of the year following the year of expiration of registration	RM1,450.00

	Processing Fee	Registration Fee	Renewal Fee	Date of yearly renewal of registration	Reinstatement Fee
Accredited Checker	RM50.00	** RM200.00	RM200.00 (Age below 60 years)	31 January of the year following the year of expiration of registration	RM1,250.00
			RM100.00 (Age 60 years and above)		RM1,150.00
Engineering Consultancy Practice: • Body Corporate	RM50.00	** RM1,000.00	RM1,000.00	31 January of the year following the year of expiration of registration	RM6,050.00
• Partnership	RM50.00	** RM500.00	RM500.00		RM5,550.00
• Sole Proprietorship	RM50.00	** RM250.00	RM250.00		RM5,300.00

\*\* Half Registration Fee for applications approved between 1 July till 31 December.

**SCHEDULE III**

[P.U. (A) 173./2015]

**REGISTRATION OF ENGINEERS ACT 1967****REGISTRATION OF ENGINEERS REGULATIONS 1990  
(Regulation 37 and 38A)****FEES FOR EXAMINATION**

	<b>Processing Fee</b>	<b>Examination Fee</b>
Professional Competency Examination	RM100.00	RM1,000.00
Professional Assessment Examination	RM100.00	RM500.00

**REGISTRATION OF ENGINEERS ACT 1967****REGISTRATION OF ENGINEERS REGULATIONS 1990****LIST OF AMENDMENTS**

<b>Amending Regulations</b>	<b>Short title</b>	<b>In force from</b>
P.U. (A) 424.	Registration of Engineers (Amendment) Regulations 2003	10-11-2003
P.U. (A) 173.	Registration of Engineers (Amendment) Regulations 2015	31-07-2015

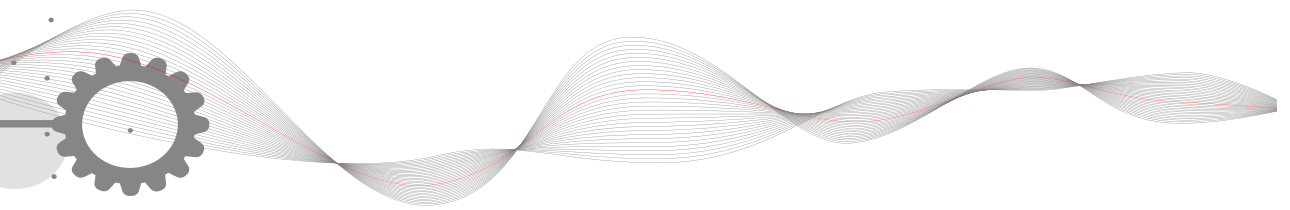


**REGISTRATION OF ENGINEERS ACT 1967****REGISTRATION OF ENGINEERS REGULATIONS 1990****LIST OF REGULATIONS AMENDED**

<b>Regulations</b>	<b>Amending authority</b>	<b>In force from</b>
2	P.U. (A) 424.	10-11-2003
4	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
5	P.U. (A) 424.	10-11-2003
6	P.U. (A) 424.	10-11-2003
8	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
9	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
10	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
13	P.U. (A) 424.	10-11-2003
Heading of Part III	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
16	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
18	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
19	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
20	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
21	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
22	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015

<b>Regulations</b>	<b>Amending authority</b>	<b>In force from</b>
Heading of Part IIIA	P.U. (A) 424.	10-11-2003
22A	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
22B	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
22C	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
Heading of Part IV	P.U. (A) 173.	31-07-2015
23	P.U. (A) 173.	31-07-2015
24	P.U. (A) 173.	31-07-2015
25	P.U. (A) 173.	31-07-2015
26	P.U. (A) 173.	31-07-2015
27	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
27A	P.U. (A) 173.	31-07-2015
28	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
29	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
30	P.U. (A) 424.	10-11-2003
31	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
32	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
Heading of Part V	P.U. (A) 424.	10-11-2003
34	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
34A	P.U. (A) 173.	31-07-2015
34B	P.U. (A) 173.	31-07-2015

<b>Regulations</b>	<b>Amending authority</b>	<b>In force from</b>
35	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
36	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
37	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
38	P.U. (A) 424.	10-11-2003
Heading of Part VIA	P.U. (A) 173.	31-07-2015
38A	P.U. (A) 173.	31-07-2015
39	P.U. (A) 128.	01-07-1987
Schedule I	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
Schedule II	P.U. (A) 424. P.U. (A) 173.	10-11-2003 31-07-2015
Schedule III	P.U. (A) 173.	31-07-2015



**LEMBAGA JURUTERA MALAYSIA**  
**BOARD OF ENGINEERS MALAYSIA**