

Requested version was 12 Dec 2005; Closest available version is 01 Oct 2005; Generated on 12 Dec 2005 10:53:42 (GMT+8).

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REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

Published by Authority

NO. 27

] FRIDAY, SEPTEMBER 16 [

2005

The following Act was passed by Parliament on 15th August 2005 and assented to by the President on 30th August 2005:—

PROFESSIONAL ENGINEERS (AMENDMENT) ACT 2005

(No. 27 of 2005)

I assent.

S R NATHAN,
President.
30th August 2005.

Date of commencement: 1st October 2005 (Sections 3 & 4)

Date of commencement: 1st December 2005 (Sections 2 and 5 to 25)

An Act to amend the Professional Engineers Act (Chapter 253 of the 1992 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Arrangement of Provisions

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Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Citation and commencement

1. This Act may be cited as the Professional Engineers (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Professional Engineers Act (referred to in this Act as the principal Act) is amended

(a) by deleting the definition of "Investigation Committee" and substituting the following definitions:

"Disciplinary Committee" means a Disciplinary Committee appointed under section 31C;

"Investigation Committee" means an Investigation Committee appointed under section 30;

"Investigation Panel" means the Investigation Panel appointed under section 27;";

(b) by deleting the words "corporation or partnership" wherever they appear in the definition of "licensed" and substituting in each case the words "corporation, partnership or limited liability partnership";

(c) by deleting the definition of "manager" and substituting the following definitions:

"limited liability partnership" has the same meaning given to it by section 4 (1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

"manager" —

(a) in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and

(b) in relation to a limited liability partnership, has the same meaning as in section 2 (1) of the Limited Liability Partnerships Act 2005;";

(d) by deleting the definition of "practising certificate" and substituting the following definition:

"practising certificate" —

(a) in relation to a registered professional engineer, means an annual certificate issued under section 18 authorising him to engage in professional engineering work in Singapore;

(b) in relation to an allied professional who is an architect registered under the Architects Act (Cap. 12), means a practising certificate issued under section 18 of that Act; and

(c) in relation to an allied professional who is a land surveyor registered under the Land Surveyors Act (Cap. 156), means a practising certificate issued under section 15 of that Act;";

(e) by deleting the words "appointed under section 4 (2) (a)" in the definition of "President";

(f) by deleting the definitions of "previous Board" and "professional engineering services" and substituting the following definition:

"professional engineering services" means consultancy or advisory services that require a person to engage in professional engineering work;";

(g) by deleting the words "corporations and partnerships" in the definition of "register of licensees" and substituting the words "corporations, partnerships and limited liability partnerships"; and

(h) by deleting the definition of "repealed Act".

Amendment of section 4

3. Section 4 of the principal Act is amended by deleting subsections (2) to (13) and substituting the following subsections:

“(2) The Board shall consist of the following members:

- (a) the Commissioner of Building Control;
 - (b) the President of the Institution of Engineers, Singapore, or a registered professional engineer of at least 10 years’ standing to be nominated by him;
 - (c) not more than 6 registered professional engineers who are resident in Singapore and have in force a practising certificate —
 - (i) to be elected by registered professional engineers who have in force a practising certificate; or
 - (ii) failing such election, to be appointed by the Minister under subsection (4);
 - (d) not more than 6 registered professional engineers to be appointed by the Minister; and
 - (e) a registered architect from the Board of Architects to be appointed by the Minister.
- (3) Not less than 5 members of the Board shall be in private practice.
- (4) If elections held for the purposes of subsection (2) (c) result in less than 6 persons being elected as members of the Board thereunder, the Minister may appoint such number, as he thinks fit, of registered professional engineers who have in force a practising certificate to be members of the Board, except that the number of members so appointed and the number of members elected under subsection (2) (c) shall not exceed 6 in the aggregate.
- (5) Of the members elected under subsection (2) (c) or appointed under subsection (4), there shall be at least —
- (a) one registered professional engineer in the branch of civil engineering;
 - (b) one registered professional engineer in the branch of electrical engineering; and
 - (c) one registered professional engineer in the branch of mechanical engineering.
- (6) Only registered professional engineers of at least 10 years’ standing may be elected under subsection (2) (c) or appointed under subsection (4) as members of the Board.
- (7) The members elected under subsection (2) (c) shall hold office for a term not exceeding 3 years and shall be eligible for re-election for not more than 2 consecutive terms.
- (8) The members appointed under subsection (2) (d) or (e) or (4) shall hold office for a term not exceeding 3 years and shall be eligible for re-appointment.
- (9) The Minister may, at any time, revoke the appointment of any member appointed under subsection (2) (d) or (4) without assigning any reason.”.

New sections 4A to 4E

4. The principal Act is amended by inserting, immediately after section 4, the following sections:

“Compulsory voting

4A. —(1) Every registered professional engineer who has in force a practising certificate on the day of election of candidates as members of the Board under section 4 (2) (c) shall

vote for the election of such members at such time and in such manner as may be prescribed.

(2) Every registered professional engineer who is required to vote for the election of the members of the Board in accordance with subsection (1) and who fails to do so shall not be entitled to apply for a practising certificate unless he —

(a) satisfies the Registrar that he had a good and sufficient reason for not voting at the election; or

(b) pays to the Board a penalty prescribed by the Board.

President of Board

4B. —(1) The Board shall have a President who shall be elected by the members of the Board from among its members —

(a) who have been elected under section 4 (2) (c) or appointed under section 4 (4); or

(b) who have been appointed under section 4 (2) (d).

(2) The President elected under subsection (1) shall serve for a term not extending beyond the expiration of the term for which he has been appointed or elected to be a member of the Board and shall be eligible for re-election for not more than 2 consecutive terms.

Disqualifications for membership of Board

4C. A person shall not be qualified to be a member of the Board if —

(a) he is neither a citizen nor a permanent resident of Singapore;

(b) he is an undischarged bankrupt or has made any arrangement or composition with his creditors;

(c) he has been convicted of any offence involving fraud, dishonesty or moral turpitude, or of any other offence implying a defect in character which makes him unfit for the engineering profession;

(d) he is of unsound mind or is incapacitated by physical illness; or

(e) he has at any time after due inquiry been found guilty by a Disciplinary Committee of improper conduct.

Filling of vacancies

4D. —(1) The office of a member of the Board shall become vacant if the member —

(a) dies;

(b) resigns or is removed from office; or

(c) becomes in any manner disqualified for office within the meaning of section 4C.

(2) The Board may, with the approval of the Minister, remove from office any member of the Board who is absent without leave of the Board from 3 consecutive ordinary meetings of —

- (a) the Board; or
 - (b) a Disciplinary Committee of which he is a member.
- (3) Any question as to whether a person has ceased to be a member of the Board shall be determined by the Minister whose decision shall be final.
- (4) If any vacancy arises among the elected or appointed members, the Minister shall, as soon as practicable, appoint any registered professional engineer to fill that vacancy.
- (5) Any person appointed to fill the vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.
- (6) The powers of the Board shall not be affected by any vacancy in its membership.
- (7) No act done by or under the authority of the Board shall be invalid in consequence of any defect that is afterwards discovered in the appointment, election or qualification of the members or any of them.

Meetings and quorum of Board

4E. —(1) At any meeting of the Board, 8 members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

- (2) At any meeting of the Board, the President shall preside and in his absence the members present shall elect from among themselves one member to preside over the meeting.
- (3) If on any question to be determined by the Board there is an equality of votes, the President or the member presiding over that meeting shall have a casting vote.
- (4) Subject to the provisions of this Act, the Board may determine its own procedure.
- (5) The Board shall cause proper records of its proceedings to be kept.”.

Amendment of section 7

5. Section 7 of the principal Act is amended by deleting subsections (2) to (5).

Amendment of section 8

6. Section 8 of the principal Act is amended —

- (a) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

“(b) a register of specialist professional engineers in which shall be entered the names of persons who are registered under section 15A as specialist professional engineers;”;
- (b) by deleting the words “corporations and partnerships” in subsection (1) (c) and substituting the words “corporations, partnerships and limited liability partnerships”;
- (c) by re-lettering the existing paragraphs (b) and (c) of subsection (1) as paragraphs (c) and (d), respectively; and
- (d) by inserting, immediately after the words “register of professional engineers” in subsection (2), the words “, the register of specialist professional engineers”.

Amendment of section 10**7. Section 10 of the principal Act is amended —**

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Subject to the provisions of this Act, no person shall engage in any of the prescribed branches of professional engineering work in Singapore or draw or prepare any plan, sketch, drawing, design, specification or other document relating to any of the prescribed branches of professional engineering work in Singapore unless the person —

(a) is a registered professional engineer who has in force a practising certificate authorising him to engage in that branch of professional engineering work;

(b) is under the direction or supervision of a registered professional engineer who has in force a practising certificate authorising the professional engineer to engage in that branch of professional engineering work; or

(c) is authorised by the Board to work in collaboration (but without a right to any independent practice) with a registered professional engineer who has in force a practising certificate authorising the registered professional engineer to engage in that branch of professional engineering work.

(1A) The Board may grant its authorisation to any person under subsection (1) (c) subject to such conditions as the Board thinks fit to impose.”;

(b) by inserting, immediately after the words “building authority” in subsection (2), the words “or to a public authority (as defined in section 3 (2))”;

(c) by inserting, immediately after subsection (3), the following subsection:

“(3A) Where the Board has authorised any person under subsection (1) (c) to work in collaboration with a registered professional engineer, the Board may allow that person to use such addition to or derivative of the words “professional engineer” as may be approved by the Board.”;

(d) by inserting, immediately after the words “a licensed partnership” in subsection (4), the words “, a licensed limited liability partnership”;

(e) by inserting, immediately after the word “corporation” wherever it appears in the proviso to subsection (4), the words “or limited liability partnership”;

(f) by inserting, immediately after the words “a licensed partnership” in subsection (5) (a), the words “, licensed limited liability partnership”;

(g) by inserting, immediately after the words “a licensed partnership” in subsection (5) (b), the words “or limited liability partnership”;

(h) by inserting, immediately after the words “a licensed corporation” in subsection (5) (c), the words “or limited liability partnership”;

(i) by deleting the words “corporation or partnership” in subsection (7) and substituting the words “corporation, partnership or limited liability partnership”; and

(j) by inserting, immediately after subsection (7), the following subsection:

“(8) In this section, “prescribed branches of professional engineering work” means —

- (a) civil engineering;
- (b) electrical engineering;
- (c) mechanical engineering; and
- (d) such other branches of engineering as may be prescribed.”.

Amendment of section 11

8. Section 11 (1) of the principal Act is amended by deleting the words “neither is a registered professional engineer nor has in force a practising certificate” and substituting the words “is not a registered professional engineer”.

Amendment of section 13

9. Section 13 of the principal Act is amended by deleting the words “to the building authority” and substituting the words “to a building authority or to a public authority (as defined in section 3(2))”.

Amendment of section 15

10. Section 15 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) Subject to this section, the following persons shall, on payment of the prescribed fee, be entitled to registration under this Act as professional engineers:

(a) any person who holds any degree or qualification or who satisfies such other requirements which the Minister may, after consultation with the Board and by notification in the *Gazette*, approve for the purpose of the registration of persons as professional engineers under this Act; and

(b) any person who satisfies the Board that he is otherwise qualified by having proper and recognised academic qualifications in engineering and who satisfies such conditions as the Board may determine.

(2) No person shall be entitled to registration under subsection (1) (a) or (b) unless he satisfies the Board that he has, after obtaining his qualifications —

(a) acquired not less than 4 years’ practical experience in such professional engineering work and at such level of responsibility as to be sufficiently competent for registration as a professional engineer under this Act; and

(b) sat and passed such examination as may be prescribed by the Board.”.

New section 15A

11. The principal Act is amended by inserting, immediately after section 15, the following section:

“Registration of specialist professional engineers

15A. —(1) A registered professional engineer who —

- (a) has sat and passed such examination as may be prescribed by the Board, or holds such

postgraduate degrees or qualifications or has gained such special knowledge in a specialised branch of engineering as may be approved by the Board;

(b) has such experience in that specialised branch of engineering as may be required by the Board; and

(c) has fulfilled such further conditions as may be specified by the Board,

may apply to the Board to be registered as a specialist professional engineer.

(2) The Board may, with the approval of the Minister, make regulations for all or any of the following purposes:

(a) providing for the registration of specialists in any specialised branch of engineering;

(b) regulating the recording in, removal from, and restoration to the register of specialist professional engineers of the names, particulars and qualifications of persons so registered;

(c) providing for appeals by registered professional engineers against any refusal of the Board to register them in the register of specialist professional engineers or to restore their names to that register or against any decision of the Board to remove their names from that register;

(d) prescribing the fees payable in respect of —

(i) any application for registration as a specialist professional engineer;

(ii) any such registration as a specialist professional engineer;

(iii) any restoration of names to the register of specialist professional engineers; and

(iv) any appeal.

(3) The Registrar shall, from time to time, prepare and publish in the *Gazette* a list of the names, addresses and qualifications of all specialist professional engineers.”.

New sections 17A, 17B and 17C

12. The principal Act is amended by inserting, immediately after section 17, the following sections:

“Amendment of register of professional engineers

17A. The Registrar shall —

(a) amend the register of professional engineers when there is any alteration which may come to his knowledge in the name, address or other relevant particulars of any registered professional engineer;

(b) correct any error in any entry in the register of professional engineers; and

(c) remove from the register of professional engineers the name of any person —

(i) whose name has been ordered to be removed under any provision of this Act; or

(ii) who is deceased.

Removal of name and particulars from register of professional engineers

17B. —(1) The Board may order the name and other particulars of a registered professional engineer to be removed from the register of professional engineers if he —

(a) has no address in Singapore at which he can be contacted or sent any document using his particulars in the register; or

(b) has not renewed his practising certificate for a continuous period of not less than 10 years.

(2) Notwithstanding the provisions of Part VII, the Board may order the name and other particulars of a registered professional engineer to be removed from the register of professional engineers if it comes to the knowledge of the Board that —

(a) he has obtained his registration by fraud or misrepresentation;

(b) his qualification for registration under section 15 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded; or

(c) he refuses or has failed to comply with any order made by a Disciplinary Committee under section 31G (2) (c) or (e).

(3) The Board shall, before exercising its powers under subsection (2), notify the registered professional engineer concerned of its intention to take such action and shall give the registered professional engineer an opportunity to submit reasons, within such period as the Board may determine, as to why his name should not be removed from the register.

(4) Any person aggrieved by an order made by the Board under subsection (2) may, within 30 days of being notified of the order, appeal to the Minister whose decision shall be final.

(5) Any registered professional engineer may apply to the Board to have his name and particulars removed from the register of professional engineers.

(6) Every application under subsection (5) shall be made in such form as the Board may require and the Board may, if it thinks fit, require either or both of the following:

(a) that the application should be supported by a statutory declaration;

(b) that the applicant should advertise his intention to make the application in such manner as the Board shall direct.

(7) Subject to subsection (8), the Board may, upon receiving an application made under subsection (5), direct the Registrar to remove the name and particulars of the applicant from the register of professional engineers.

(8) No order shall be made on an application under subsection (5) if the Board is satisfied that —

(a) disciplinary action is pending against the applicant; or

(b) the conduct of the applicant is the subject of an inquiry by an Investigation Committee.

Reinstatement of registration

17C. —(1) Any person whose name and particulars have been removed from the register of professional engineers under section 31G (2) (a) shall, if his appeal to the High Court under section 31H is allowed, be immediately reinstated without payment of any fee.

(2) The Board may, in its discretion, after the expiration of not less than 3 years from the removal from the register of professional engineers of the name and particulars of any person, consider any fresh application for registration by that person in accordance with the provisions of Part IV.”.

Amendment of section 18

13. Section 18 of the principal Act is amended —

(a) by deleting the words “corporation or partnership” in subsection (3) (a) (ii) and substituting the word “person”; and

(b) by deleting the words “section 27” in subsection (8) and substituting the words “section 17B (2) or 31G (2) (a)”.

Amendment of section 20

14. Section 20 of the principal Act is amended —

(a) by deleting paragraphs (b) and (c) of subsection (1) and substituting the following paragraphs:

“(b) the authorised capital of the corporation that is paid up is not less than the amount prescribed by the Minister by notification in the *Gazette*;

(c) the articles of association of the corporation provide that at least a prescribed number or proportion of its directors shall be registered professional engineers or allied professionals who each has in force a practising certificate;”;

(b) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

“(b) the articles of association of the corporation provide that —

(i) at least a prescribed number or proportion of its directors shall be registered professional engineers or allied professionals who each has in force a practising certificate; and

(ii) no person shall be registered as a member of that corporation unless he is a director, a manager or an employee of the corporation; and”;

(c) by deleting paragraph (a) of subsection (3) and substituting the following paragraph:

“(a) the partnership is one in which only —

(i) registered professional engineers who each has in force a practising certificate authorising him to engage in professional engineering work to which those services relate; and

(ii) allied professionals who each has in force a practicing certificate,

have a beneficial interest in the capital assets and profits of the partnership; and”;

(d) by deleting subsection (4) and substituting the following subsection:

“(4) Subject to the provisions of this Act, the Board may grant a licence to any limited liability partnership to supply professional engineering services in Singapore if —

(a) the statement lodged by the partners of the limited liability partnership with the Registrar of Limited Liability Partnerships under section 15 (1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005) provides that a primary nature of the business of the limited liability partnership is to supply professional engineering services;

(b) the partners in the limited liability partnership consist only of persons who satisfy such requirements as the Board may, with the approval of the Minister, prescribe;

(c) at least one of the partners of the limited liability partnership is a registered professional engineer who has in force a practising certificate;

(d) the business of the limited liability partnership, so far as it relates to professional engineering work in Singapore, will be under the control and management of a partner who —

(i) is a registered professional engineer who has in force a practising certificate; and

(ii) is authorised under a resolution of the partners of the limited liability partnership to make all final engineering decisions on behalf of the limited liability partnership with respect to the requirements of this Act, the rules or any other law relating to the supply of professional engineering services by the limited liability partnership; and

(e) the limited liability partnership is insured against professional liability in accordance with section 24 and the rules.”;

(e) by deleting subsection (6) and substituting the following subsection:

“(6) The Board may refuse to grant a licence under this section to any corporation (whether unlimited or not), partnership or limited liability partnership if, in the opinion of the Board, the past conduct of any director, manager or employee of the corporation or any partner, manager or employee of the partnership or limited liability partnership affords reasonable grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply professional engineering services in accordance with any written law and with honesty and integrity.”; and

(f) by deleting the words “subsection (1)” wherever they appear in subsection (9) and substituting in each case the words “subsections (1) and (2)”.

Repeal and re-enactment of section 21

15. Section 21 of the principal Act is repealed and the following section substituted therefor:

“Conditions of licence to practise

21. —(1) It shall be a condition of every licence granted to any corporation, partnership or limited liability partnership that professional engineering services to be provided in Singapore by the corporation, partnership or limited liability partnership shall be supplied by a professional engineer —

(a) who shall be responsible for the professional engineering works;

(b) who has in force a practising certificate authorising him to engage in professional engineering work to which those services relate; and

(c) who is —

(i) in the case of a corporation, a director or an employee of the corporation;

(ii) in the case of a partnership, a partner or an employee of the partnership; or

(iii) in the case of a limited liability partnership, a partner or an employee of the limited liability partnership.

(2) It shall be a condition of every licence granted to any corporation, other than an unlimited corporation, or to any limited liability partnership that the corporation or limited liability partnership, as the case may be, shall not supply professional engineering services in Singapore unless the corporation or limited liability partnership is insured in respect of professional liability in accordance with section 24 and the rules.

(3) Without prejudice to subsections (1) and (2), the Board may grant a licence subject to such other conditions as the Board thinks fit and may at any time vary any existing conditions (other than those specified in subsections (1) and (2)) of such a licence or impose additional conditions thereto.

(4) Where a licence is granted by the Board to a corporation, partnership or limited liability partnership subject to conditions (other than those specified in subsections (1) and (2)), the corporation, partnership or limited liability partnership may, if aggrieved by the decision of the Board, appeal in the prescribed manner to the Minister whose decision shall be final.”.

Amendment of section 22

16. Section 22 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(3) Any licensed limited liability partnership shall, within 30 days of the occurrence of any change in the composition of its partners, furnish the Board a true report in writing giving full particulars of the change.”.

Repeal and re-enactment of sections 24 and 25

17. Sections 24 and 25 of the principal Act are repealed and the following sections substituted therefor:

“Liability insurance

24. Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership shall be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying professional engineering services as a direct result of any negligent act, error or omission committed by —

(a) in the case of a corporation, the corporation or its directors, managers, secretaries or employees; or

(b) in the case of a limited liability partnership, the limited liability partnership or its partners, managers or employees.

Relationship between client and licensed corporation or limited liability partnership

25. A licensed corporation or a licensed limited liability partnership shall have the same rights and shall be subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation or limited liability partnership, as the case may be, that exist at law between a registered professional engineer and his client.”.

New sections 26A and 26B

18. The principal Act is amended by inserting, immediately after section 26, the following sections:

“Revocation of licence

26A. —(1) Subject to subsection (3), the Board may by order revoke any licence it has granted to a corporation, partnership or limited liability partnership if, in the opinion of the Board —

- (a) the corporation, partnership or limited liability partnership has failed to comply with any condition imposed by the Board under section 21;
- (b) the memorandum or articles of association of the corporation have been so altered that they no longer include the restrictions, limitations or prohibitions of the kind specified in section 20 (1) or (2), whichever is applicable;
- (c) a person who is neither —
 - (i) a registered professional engineer who has in force a practising certificate; nor
 - (ii) an allied professional who has in force a practising certificate,
 has a beneficial interest in the capital assets and profits of the partnership;
- (d) the limited liability partnership no longer satisfies the requirements of section 20 (4);
- (e) the licence had been obtained by fraud or misrepresentation;
- (f) the corporation, partnership or limited liability partnership has ceased to supply professional engineering services in Singapore;
- (g) the corporation, partnership or limited liability partnership has contravened any provision of the prescribed code of professional conduct and ethics;
- (h) the corporation, partnership or limited liability partnership has contravened section 22, 23 or 24 or has been convicted of an offence under this Act;
- (i) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership or limited liability partnership, affords grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply professional engineering services in Singapore in accordance with any written law and with honesty and integrity; or
- (j) the corporation, partnership or limited liability partnership has refused or failed to comply with an order of the Board made under subsection (2).

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for

revoking a licence exists, by order impose on the corporation, partnership or limited liability partnership concerned a penalty not exceeding \$20,000 and every such penalty shall be recoverable as a debt due to the Board.

(3) The Board shall not exercise its powers under subsection (1) or (2) unless an opportunity of being heard by a representative in writing or by counsel had been given to the corporation, partnership or limited liability partnership against which the Board intends to exercise its powers.

(4) Where the Board has revoked a licence under this section, the Registrar shall serve on the corporation, partnership or limited liability partnership concerned a notice of the order made by the Board.

(5) Any order by the Board revoking a licence or imposing a pecuniary penalty shall not take effect until the expiration of 30 days after the Board has served the order on the corporation, partnership or limited liability partnership concerned.

(6) Where an order of revocation becomes effective —

(a) the Registrar shall cause notice of the revocation to be published in the *Gazette* and remove from the register of licensees the name and other particulars of the corporation, partnership or limited liability partnership concerned; and

(b) the corporation, partnership or limited liability partnership concerned shall, as from the date of the notice, cease to supply professional engineering services in Singapore except as may be approved by the Board for the purpose of winding up its business.

(7) Subsection (6) (b) shall not prejudice the enforcement by any person of any right or claim against the corporation, partnership or limited liability partnership or by the corporation, partnership or limited liability partnership of any right or claim against any person.

Appeal against order of Board

26B. —(1) If the Board has made —

(a) an order of revocation of a licence under section 26A against a corporation, partnership or limited liability partnership; or

(b) an order imposing any pecuniary penalty on a licensed corporation, partnership or limited liability partnership under section 26A (2),

the corporation, partnership or limited liability partnership concerned may, within 30 days after being served with the notice of the order, appeal to the High Court against the order, and the decision of the High Court shall be final.

(2) Where the corporation, partnership or limited liability partnership concerned has appealed to the High Court against an order under section 26A, the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or withdrawn.

(3) Any corporation, partnership or limited liability partnership whose name has been removed from the register of licensees under section 26A (6) (a) shall, if its appeal to the High Court is allowed, be immediately reinstated without payment of any fee.”.

Repeal and re-enactment of Part VII

19. Part VII of the principal Act is repealed and the following Part substituted therefor:

“PART VII**DISCIPLINARY PROCEEDINGS****Appointment of Investigation Panel**

27. —(1) For the purpose of enabling Investigation Committees to be appointed under section 30, the Board shall appoint a panel (referred to in this Act as the Investigation Panel) consisting of —

(a) not less than 10 and not more than 20 registered professional engineers of at least 10 years' standing who are not members of the Board; and

(b) not less than 5 and not more than 10 allied professionals or lay persons.

(2) A member of the Investigation Panel shall be appointed for a term of 2 years and shall be eligible for re-appointment.

(3) The Board may, at any time, revoke the appointment of any member of the Investigation Panel or fill any vacancy in its membership.

Complaints against registered professional engineers

28. Any complaint concerning —

(a) the conviction of a registered professional engineer of any offence involving fraud, dishonesty or moral turpitude, or implying a defect in character which makes him unfit for his profession;

(b) any improper act or conduct of a registered professional engineer in his professional capacity which brings disrepute to his profession;

(c) any contravention by a registered professional engineer of any provision of the prescribed code of professional conduct and ethics;

(d) the ability of a registered professional engineer to carry out the duties of a professional engineer effectively in Singapore; or

(e) any failure on the part of a registered professional engineer, while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A (1) (e)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A (2),

shall be made to the Board in writing and shall be supported by such statutory declaration as the Board may require, except that no statutory declaration shall be required if the complaint is made or given by any public officer or officer of the Board.

Review of complaints

29. —(1) Subject to subsection (3), the Board shall, upon receiving any complaint under

section 28, refer the complaint to the Registrar for review.

(2) The Board may also, on its own motion, refer any information concerning any improper or dishonourable act or conduct of a registered professional engineer to the Registrar for review.

(3) The Board need not refer any complaint or information to the Registrar for review where the complaint or information relates to any matter set out in section 17B (2), and in such a case, the Board may take such action as it thinks fit under that section.

(4) The Registrar —

(a) shall review the complaint or information referred to him for the purpose of determining if there are sufficient merits therein to warrant the institution of disciplinary proceedings under this Part against the registered professional engineer concerned; and

(b) may, for the purpose of conducting such review, enlist the assistance of any registered professional engineer, allied professional or lay person on the Investigation Panel.

(5) In conducting a review under this section, the Registrar may require the complainant (if any) or the registered professional engineer concerned to answer any question or to furnish any document or information that the Registrar considers relevant for the purpose of the review.

(6) On the completion of a review under this section, the Registrar shall —

(a) dismiss the complaint or information, if he finds that the complaint is frivolous, vexatious, misconceived or without merits, or that the information is unsubstantiated;

(b) in a case where the complaint or information relates to the conviction (whether in Singapore or elsewhere) of the registered professional engineer of an offence that —

(i) involves fraud or dishonesty; or

(ii) implies a defect in character which makes the registered professional engineer unfit for his profession,

recommend to the Board to refer the matter to a Disciplinary Committee for a formal inquiry; and

(c) in any other case, recommend to the Board to refer the matter to an Investigation Committee for an inquiry.

(7) The Board may, upon accepting the recommendation of the Registrar under subsection (6) (b) or (c), appoint an Investigation Committee or a Disciplinary Committee, as appropriate, and refer the matter thereto for an inquiry or a formal inquiry, as the case may be.

Appointment of Investigation Committee

30. —(1) The Board may, from time to time, appoint one or more Investigation Committees comprising —

(a) a chairman who is a member of the Board;

(b) 2 members of the Investigation Panel who are registered professional engineers; and

(c) a member of the Investigation Panel who is an allied professional or a lay person,

to inquire into any complaint or information received by the Board under section 28.

(2) A member of the Investigation Panel who has assisted the Registrar in reviewing any complaint or information under section 29 (4) (b) shall not be a member of an Investigation Committee inquiring into the same matter.

(3) An Investigation Committee shall be appointed in connection with one or more matters or for a fixed period of time, as the Board thinks fit.

(4) The Board may, at any time, revoke the appointment of the chairman or any member of an Investigation Committee or fill any vacancy in an Investigation Committee.

(5) No act done by or under the authority of an Investigation Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the chairman or members or any of them.

(6) The chairman of an Investigation Committee shall, notwithstanding that he has ceased to be a member of the Board on the expiry of his term of office, continue to be the chairman of the Investigation Committee until such time as the Investigation Committee has completed its work.

(7) A member of an Investigation Committee shall, notwithstanding that he has ceased to be a member of the Investigation Panel on the expiry of his term of office, continue to be a member of the Investigation Committee until such time as the Investigation Committee has completed its work.

Powers and procedure of Investigation Committee

31. —(1) For the purposes of any inquiry, an Investigation Committee may require any person —

(a) to attend at a specified time and place and give evidence before the Investigation Committee; and

(b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the inquiry.

(2) Any person who, without lawful excuse —

(a) refuses or fails to comply with any requirement of the Investigation Committee under subsection (1); or

(b) refuses to answer or gives a false answer to any question put to him by a member of the Investigation Committee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Subject to the rules, an Investigation Committee shall have the power to regulate its own procedure for an inquiry.

(4) An Investigation Committee shall complete its inquiry not later than 3 months from the date on which the matter to be inquired into is referred to it, unless the Board, on application of the Investigation Committee, allows otherwise.

Findings of Investigation Committee

31A. Upon due inquiry into any complaint or information, an Investigation Committee shall report its findings to the Board and recommend to the Board to do any of the following:

- (a) order that the complaint or information be dismissed;
- (b) order that the registered professional engineer be issued with a letter of advice or a letter of warning;
- (c) order that a formal inquiry be held by a Disciplinary Committee;
- (d) make such other order as the Investigation Committee considers appropriate.

Decision of Board

31B. —(1) Upon receiving the findings and recommendation of an Investigation Committee, the Board may —

- (a) accept the recommendation and make the recommended order;
- (b) refer the matter back to the Investigation Committee for further inquiry; or
- (c) make such other order as the Board thinks fit.

(2) The Board shall not —

(a) issue any letter of advice or letter of warning to a registered professional engineer in accordance with the recommendation of the Investigation Committee under section 31A (b); or

(b) make any other order against the registered professional engineer in accordance with the recommendation of the Investigation Committee under section 31A (d),

unless the Board is satisfied that the Investigation Committee had allowed the registered professional engineer concerned an opportunity of being heard either personally or by counsel during the inquiry.

(3) The Board shall notify the person who made the complaint or gave the information, if any, of its decision.

(4) A registered professional engineer who is aggrieved by any advice or order of the Board, being an advice or order referred to in section 31A (b) or (d) may, within 30 days of being notified of the determination of the Board, appeal to the Minister whose decision shall be final.

(5) Where the person who made the complaint or gave the information to the Board is dissatisfied with the decision of the Board under section 31A (a), (b) or (d), he may, within 30 days of being notified of the determination of the Board, appeal to the Minister whose decision shall be final.

- (6) The Minister may, in relation to an appeal under subsection (4) or (5), make —
- (a) an order affirming the decision of the Board;
 - (b) an order directing a formal inquiry to be held by a Disciplinary Committee; or
 - (c) such other order as he thinks fit.

Appointment of Disciplinary Committee

31C. —(1) The Board may, from time to time, appoint one or more Disciplinary Committees to formally inquire into —

- (a) any complaint or information in respect of which the Board or the Minister has, under section 31B, ordered that a formal inquiry be held by a Disciplinary Committee; or
- (b) any matter referred to the Board under section 29 (6) (b).

(2) A Disciplinary Committee shall comprise not less than 3 registered professional engineers of at least 10 years' standing, of whom at least 2 shall be members of the Board.

(3) A Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time, as the Board thinks fit.

(4) The chairman or a member of an Investigation Committee which inquired into any complaint or information shall not be a member of a Disciplinary Committee inquiring into the same matter.

(5) The Board shall appoint a member of a Disciplinary Committee to be the chairman of the Disciplinary Committee.

(6) The Board may, at any time, revoke the appointment of any Disciplinary Committee or any member thereof, or fill any vacancy in a Disciplinary Committee.

(7) No act done by or under the authority of a Disciplinary Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(8) A member of a Disciplinary Committee shall, notwithstanding that he has ceased to be a member of the Board on the expiry of his term of office, continue to be a member of the Disciplinary Committee until such time the Disciplinary Committee has completed its work.

Observer

31D. —(1) The Board shall appoint a member of the Investigation Panel who is an allied professional or a lay person as an observer of the proceedings of a Disciplinary Committee, except that the person appointed must not have assisted the Registrar in reviewing any complaint or information under section 29 (4) (b) or been a member of the Investigation Committee which had inquired into the same matter.

(2) The observer shall not vote on any question or matter to be decided by the Disciplinary Committee and need not be present at every meeting of the Disciplinary Committee.

Professional engineer to be notified of inquiry

31E. —(1) Before a Disciplinary Committee commences its formal inquiry into any complaint or information referred to it, the Registrar shall serve on the registered professional engineer concerned a notice of the formal inquiry.

(2) An inquiry shall not be fixed on a date earlier than 21 days after the date of the notice of inquiry except with the agreement of the registered professional engineer.

(3) On application to the Disciplinary Committee, the registered professional engineer may request postponement of the formal inquiry, and the Disciplinary Committee may, in its discretion, grant the application and postpone the formal inquiry to such date as it may determine, or refuse the application.

Powers and procedure of Disciplinary Committee

31F. —(1) For the purposes of a formal inquiry, a Disciplinary Committee may require any person —

(a) to attend at a specified time and place and give evidence before the Disciplinary Committee; and

(b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the formal inquiry.

(2) Any person who, without lawful excuse —

(a) refuses or fails to comply with any requirement of the Disciplinary Committee under subsection (1); or

(b) refuses to answer or gives a false answer to any question put to him by a member of the Disciplinary Committee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The Disciplinary Committee —

(a) shall not be bound to act in any formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence, but may inform itself on any matter in such manner as it thinks fit;

(b) may administer an oath or affirmation to any person giving evidence before it; and

(c) may, subject to the rules, regulate its own procedure for a formal inquiry.

(4) Any party to the proceedings before a Disciplinary Committee may sue out writs of subpoena ad testificandum and of duces tecum, and such writs shall be served and may be enforced as if they were writs issued in connection with a civil action in the High Court.

(5) Any person giving evidence before a Disciplinary Committee shall be legally bound to tell the truth.

(6) Persons giving evidence in a formal inquiry shall have the same privileges and

immunities in relation to an inquiry as if it was a proceeding in a court of law.

(7) The Board may appoint an advocate and solicitor for the purpose of a formal inquiry (whether to prosecute the complaint or to act as a legal advisor to the Disciplinary Committee) and pay to the advocate and solicitor, as part of the expenses of the Board, such remuneration as the Board may determine.

(8) A Disciplinary Committee shall complete its inquiry not later than 6 months from the date of its appointment, unless the Board, on application of the Disciplinary Committee, allows otherwise.

(9) In sections 172 to 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Committee holding a formal inquiry, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include such a formal inquiry.

Findings of Disciplinary Committee

31G. —(1) Where, upon due inquiry into a complaint or matter, a Disciplinary Committee is satisfied that the registered professional engineer concerned —

(a) has been convicted of any offence involving fraud, dishonesty or moral turpitude, or such defect in character which makes him unfit for his profession;

(b) has been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his profession;

(c) has contravened any provision of the prescribed code of professional conduct and ethics;

(d) is no longer in a position to carry out the duties of a registered professional engineer effectively in Singapore; or

(e) while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, had failed to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A (1) (e)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A (2),

the Disciplinary Committee may exercise one or more of the powers referred to in subsection (2).

(2) The powers that the Disciplinary Committee may exercise for the purposes of subsection (1) are as follows:

(a) by order direct the Registrar to remove the name of the registered professional engineer from the register of professional engineers;

(b) by order suspend the registered professional engineer from practice for a period of not more than 2 years;

(c) by order impose on the registered professional engineer a penalty not exceeding \$10,000;

(d) by writing censure the registered professional engineer; and

(e) make such other order as the Disciplinary Committee thinks fit.

(3) In addition to its powers under subsection (2), the Disciplinary Committee may order the registered professional engineer concerned to pay to the Board such sum, not exceeding \$10,000, as the Disciplinary Committee thinks fit in respect of the costs and expenses of and incidental to any proceedings against him under this Part.

(4) Where the Disciplinary Committee finds that the registered professional engineer has not been convicted or guilty of any of the matters referred to in subsection (1) (a) to (e), the Disciplinary Committee shall order that the complaint or information be dismissed.

(5) The costs and expenses referred to in subsection (3) shall include —

(a) the costs and expenses of any advocate and solicitor appointed by the Board for proceedings before the Disciplinary Committee;

(b) such reasonable expenses as the Board may pay to witnesses; and

(c) such reasonable expenses as are necessary for the conduct of proceedings before the Disciplinary Committee,

and the High Court shall have jurisdiction to tax such costs and any such order for costs shall be enforceable as if it were made in connection with a civil action in the High Court.

(6) The Registrar shall serve on the registered professional engineer concerned a notice of the order made by the Disciplinary Committee.

(7) Subject to subsection (8), an order referred to in subsection (2) shall not take effect until the expiration of 30 days after the order is made.

(8) On making an order referred to in subsection (2) (a) or (b), the Disciplinary Committee, if satisfied that to remove the name of the registered professional engineer concerned from the register of professional engineers or to suspend him from practice, as the case may be, is necessary for the protection of members of the public or would be in the best interests of the registered professional engineer, may order that the Registrar immediately remove his name from the register or suspend him from practice, as the case may be.

(9) An order under subsection (8) shall take effect from the time the order is made.

(10) While any order of suspension from practice made under subsection (2) (b) remains in force, the person to whom the order applies shall not for the purposes of this Act be regarded as having in force a practising certificate but immediately on the expiry or annulment of such order, his privileges under this Act shall be revived as from the date of expiry or annulment.

(11) For the purposes of subsection (1) (e), a registered professional engineer shall not be deemed to have taken reasonable steps to prevent the doing of any act by a licensed corporation, partnership or limited liability partnership unless he satisfies the Disciplinary Committee that —

(a) the act was done without his knowledge;

(b) he was not in a position to influence the conduct of the corporation, partnership or limited liability partnership in relation to its action; or

(c) he, being in such a position, exercised all due diligence to prevent the corporation, partnership or limited liability partnership from so acting.

(12) In this section, references to acts done by a licensed corporation, partnership or limited liability partnership include references to omissions to act and to a series of acts or omissions to act.

(13) Every penalty imposed under an order by a Disciplinary Committee under subsection (2) shall be recoverable as a debt due to the Board.

Appeal against order by Disciplinary Committee

31H. —(1) Any person aggrieved by a decision of the Disciplinary Committee referred to in section 31G (2), (3) or (4) may, within 30 days after the service on him of the notice of the order, appeal to the High Court against the order.

(2) There shall be no appeal from the decision of the High Court.

(3) In any appeal to the High Court against a decision referred to in section 31G (2), (3) or (4), the High Court shall accept as final and conclusive any finding of the Disciplinary Committee relating to any issue of ethics or standards of professional conduct unless such finding is in the opinion of the High Court unsafe, unreasonable or contrary to the evidence.

(4) Notwithstanding anything in section 31G, where a person has appealed to the High Court against an order referred to in section 31G (2) or (3), the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or withdrawn.

Conviction final and conclusive

31I. In any proceedings under this Part in relation to the conviction of a registered professional engineer for a criminal offence, the Minister, the Board, an Investigation Committee, a Disciplinary Committee, and the High Court on appeal from any order of a Disciplinary Committee, shall accept his conviction as final and conclusive.

Service of documents

31J. Any notice, order or document required or authorised to be served under this Part shall be deemed to be sufficiently served —

(a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of residence or business of the person on whom it is to be served; or

(b) by sending it by registered post addressed to the person on whom the notice is to be served at his address as stated in the appropriate register.”.

Repeal of section 33

20. Section 33 of the principal Act is repealed.

Amendment of section 38

21. Section 38 of the principal Act is amended by deleting the words “or an Investigation Committee” and substituting the words “, any committee appointed by the Board under this Act,”.

Repeal of Part IX

22. Part IX of the principal Act is repealed.

Amendment of Schedule

23. Item 3 in the Schedule to the principal Act is deleted and the following item substituted therefor:

“3. Electrical workers licensed under the Electricity Act (Cap. 89A).”.

Miscellaneous amendments

24. The principal Act is amended —

(a) by inserting, immediately after the word “corporations” in the long title, the words “, partnerships and limited liability partnerships”;

(b) by deleting the words “corporations and partnerships” in section 6 (g) and substituting the words “corporations, partnerships and limited liability partnerships”;

(c) by deleting the words “corporation or partnership” in sections 14 (1) (b) and 34 and substituting in each case the words “corporation, partnership or limited liability partnership”;

(d) by inserting, immediately after the words “licensed corporation” in section 26, the words “or limited liability partnership”; and

(e) by inserting, immediately after the word “partnership” wherever it appears in section 35, the words “, limited liability partnership”.

Savings and transitional provisions

25.—(1) Where the licence issued under section 20 of the principal Act to a corporation (whether limited or unlimited) or a partnership before the appointed day remains in force on that day —

(a) the amendments made by this Act to section 20 of the principal Act shall not apply to that corporation or partnership or affect the validity of that licence for so long as that licence remains in force as from the appointed day; and

(b) the provisions of section 20 of the principal Act in force immediately before the appointed day shall continue to apply to such corporation or partnership, as if this Act had not been enacted, until the expiry of that licence.

(2) This Act shall not apply to any inquiry, investigation or other proceedings of a disciplinary nature commenced under the repealed Part VII and the provisions of that Part shall, subject to subsection (3), continue to apply to such inquiry, investigation or proceedings as if this Act had not been enacted.

(3) For the purposes of subsection (2) —

(a) any Investigation Committee appointed under the repealed Part VII shall continue to exist to complete the inquiry, investigation or proceedings, and may take such action or make such order or decision as it could have taken or made under the relevant provisions of that Part; and

(b) any action, order or decision that could have been taken or made by the Board under the relevant provisions of the repealed Part VII in connection with such inquiry, investigation or

proceedings may be taken or made in like manner by the Board as if this Act had not been enacted.

(4) Where —

(a) before the appointed day, a registered professional engineer has committed any professional misconduct; and

(b) on the appointed day, disciplinary proceedings under the repealed Part VII have not yet been instituted against the registered professional engineer for such professional misconduct,

the Board may institute disciplinary proceedings under the provisions of the new Part VII against the registered professional engineer for the professional misconduct.

(5) Nothing in this section shall be taken as prejudicing section 16 (effect of repeal) of the Interpretation Act (Cap. 1).

(6) In this section —

"appointed day" means the date of commencement of this Act;

"new Part VII" means Part VII of the principal Act in force as from the appointed day;

"repealed Part VII" means Part VII of the principal Act in force immediately before the appointed day and repealed by section 19 of this Act on that day.

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