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No. A 27 - The following Act was passed by Parliament on 28th June 1991 and assented to by the President on 24th July 1991:-

THE PROFESSIONAL ENGINEERS ACT
(No. 23 of 1991)

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section.

1. Short title and commencement.
2. Interpretation.
3. Act not to apply to Government, etc.

PART II

PROFESSIONAL ENGINEERS BOARD

4. Establishment of Professional Engineers Board.
5. Common seal of Board.
6. Functions of Board.
7. Committees.
8. Registers.
9. Appointment and duties of Registrar.

PART III
PRIVILEGES OF PROFESSIONAL ENGINEERS

Section.

10. Illegal practice.
11. Employment of unregistered professional engineer prohibited.
12. Remuneration for professional engineering services.
13. Minor building works.
14. Relationship with architects, etc.

PART IV
REGISTRATION OF PROFESSIONAL ENGINEERS

15. Qualifications for registration as professional engineers.
16. Application for registration.
17. Certificates of registration.

PART V
PRACTISING CERTIFICATES

18. Practising certificates.
19. Cancellation of practising certificates.

PART VI
MULTI-DISCIPLINE AND CORPORATE PRACTICE

20. Licence for multi-discipline and corporate practice.
21. Conditions of licence to practise.
22. Change in composition of board of directors, members, etc.
23. Application of Companies Act.
24. Liability insurance.
25. Relationship between client and corporation.
26. Professional responsibility of supervising engineers.

PART VII
DISCIPLINARY PROCEEDINGS AND
REVOCATION OF LICENCES

27. Cancellation of registration or suspension from practice.
28. Removal from register of professional engineers.
29. Revocation of licence.
30. Appeals.
31. Reinstatement of registration.

PART VIII

GENERAL

Section.

32. Application of fees, etc., received by Board.
33. Powers of Board and Investigation Committee to require attendance of witnesses, etc.
34. Penalty for wilful falsification of register and for wrongfully procuring registration, etc.
35. Offences by bodies corporate, etc.
36. Rules.
37. Exemption.
38. No action in absence of bad faith or malice.

PART IX

REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

39. Repeal.
40. Persons already registered.
41. Continuation of office of Board members, etc. 42. Transfer of assets and property.
43. Transitional.
44. Disciplinary proceedings. 45. Practising certificates.
46. Certificates of registration.
47. References in other written laws and consequential amendments. First Schedule - Exempt Classes of Persons.
Second Schedule - Amendments to the Building Control Act.

REPUBLIC OF SINGAPORE**No. 23 of 1991.**

I assent.

YONG PUNG HOW,

*Person appointed to exercise
the functions of the President.
24th July 1991.*



An Act to establish the Professional Engineers Board, to provide for the registration of professional engineers, to regulate the qualifications and conduct of professional engineers, to regulate corporations which supply professional engineering services in Singapore; and to repeal the Professional Engineers Act (Chapter 253 of the 1985 Revised Edition).

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

PART I

PRELIMINARY

1. This Act may be cited as the Professional Engineers Act 1991 and shall come into operation on such date as the Minister may, by notification in the Gazette, appoint.

Short title
and com-
mencement.

- Interpreta-
tion
2. In this Act, unless the context otherwise requires -
- "appointed day" means the date of commencement of this Act;
- "allied professional" means -
- (a) an architect who is registered under the Architects Act 1991; or
 - (b) a land surveyor who is registered under the Land Surveyors Act 1991;
- "Board" means the Professional Engineers Board established under section 4;
- Cap. 29 "building" has the same meaning as in the Building Control Act;
- "building authority" means any person empowered under the provisions of the Building Control Act to approve plans of building works;
- "certificate of registration" means the certificate of registration issued under section 17;
- "Investigation Committee" means an Investigation Committee appointed under section 7 (2);
- "licence" means a licence to supply professional engineering services granted under section 20;
- "licensed", in relation to a corporation or partnership, means a corporation or partnership which has in force a licence;
- "manager", 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;
- "nominee", in relation to any person, means a person who is accustomed or under an obligation (whether formal or informal) to act in accordance with directions, instructions or wishes of the first mentioned person, except that a person shall not be regarded as a nominee of another person by reason only that he acts on the advice given by that other person in a professional capacity;
- "practising certificate" means an annual certificate issued under section 18 authorising the holder thereof to engage in professional engineering work in Singapore;

"President" means the President of the Board appointed under section 4 (2) (a);

"previous Board" means the Professional Engineers Board established under section 3 of the repealed Act;

"professional engineering services" means consultancy or advisory services relating to any professional engineering work and includes selling or supplying for gain or reward any plan, sketch, drawing, design, specification or other document relating to any professional engineering work;

"professional engineering work" includes any professional service, consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data;

"register of licensees" means the register of licensed corporations and partnerships kept by the Board under section 8 (1) (c);

"register of practitioners" means the annual register of practitioners kept by the Board under section 8 (1) (b);

"register of professional engineers" means the register of professional engineers kept by the Board under section 8 (1) (a);

"registered" means registered under section 15 and cognate expressions shall be construed accordingly;

"Registrar" means the Registrar of the Board appointed under section 9;

"repealed Act" means the Professional Engineers Act repealed by this Act;

Cap. 253,
1985 Ed.

"rules" means rules made by the Board under section 36;

"unlimited corporation" means a corporation formed on the principle of having no limit placed on the liability of its members.

Act not to apply to Government, etc.

3.-(1) Nothing in this Act shall apply to anything done or omitted to be done by the Government or by a public officer under the authority of the Government.

(2) This Act shall not be construed as requiring any public authority which supplies professional engineering services in Singapore under the provisions of any written law to obtain a licence; and in this subsection, "public authority" means any body established by or under any written law and exercising powers vested therein by written law for a public purpose.

PART II PROFESSIONAL ENGINEERS BOARD

Establishment of Professional Engineers Board.

4.-(1) There shall be established in Singapore a body to be called the Professional Engineers Board which shall be a body corporate with perpetual succession and a common seal, with power, subject to the provisions of this Act, to sue and be sued in its corporate name, to acquire and dispose of property, both movable and immovable, and to do and perform such other acts as bodies corporate may by law perform.

(2) The Board shall consist of the following members to be appointed by the Minister:

(a) a President who shall be appointed from among the registered professional engineers;

(b) 3 registered professional engineers selected from a list of not less than 4 registered professional engineers submitted by the Council of the Institution of Engineers, Singapore;

(c) such other registered professional engineers, not being more than 5, as the Minister may from time to time determine; and

(d) a registered architect nominated by the Board of Architects.

(3) Not less than 3 members of the Board shall be in private practice and not more than 3 members of the Board shall be representative of any particular branch of engineering.

(4) The members of the Board shall be appointed for a term not exceeding 3 years but may from time to time be

reappointed, and may at any time be removed from office by the Minister.

(5) 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 is 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 incapacitated by physical illness; or
- (e) he has at any time after due inquiry been found guilty by the Board or previous Board of improper conduct.

(6) 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 subsection (5),

and the vacancy so created shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was made; and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(7) The powers of the Board shall not be affected by any vacancy in its membership.

(8) 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.

(9) At any meeting of the Board, 5 members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

(10) 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.

(11) 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.

(12) Subject to the provisions of this Act, the Board may determine its own procedure.

(13) The Board shall cause proper records of its proceedings to be kept.

Common seal
of Board

5.-(1) The common seal of the Board shall bear such of device as the Board may approve and the seal may from time to time be broken, changed, altered or made anew by the Board as it may think fit.

(2) 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 and authenticated as aforesaid shall, until the contrary is proved, be deemed to be validly executed.

Functions
of Board

6. The functions of the Board shall be -

- (a) to keep and maintain a register of professional engineers, a register of practitioners and a register of licensees;
- (b) to hold or arrange for the holding of such examinations as the Board considers necessary for the purpose of enabling persons to qualify for registration under this Act;
- (c) to approve or reject applications for registration under this Act or to approve any such applications subject to such restrictions as it may think fit to impose;
- (d) to establish and maintain standards of professional conduct and ethics of the engineering profession;
- (e) to promote learning and education in connection with engineering, either alone or in conjunction with any other professional body;
- (f) to hear and determine disputes relating to professional conduct or ethics of professional engineers or to appoint a committee or arbitrator to hear and determine those disputes;

- (g) to license corporations and partnerships which supply professional engineering services in Singapore; and
- (h) generally to do all such acts, matters and things as are necessary to be carried out under the provisions of this Act.

7.-(1) The Board may appoint such committees from among its members, registered professional engineers or allied professionals as it thinks fit to assist or advise the Board on such matters arising out of its functions under this Act as are referred to them by the Board.

Committees.

(2) Without prejudice to the generality of subsection (1), the Board may appoint one or more Investigation Committees, consisting of such number of members (which may include members of the Board) as the Board may determine, for the purpose of investigating into any complaint against a registered professional engineer or a licensed corporation or partnership.

(3) An Investigation Committee shall, after investigating into any complaint, report to the Board on the matter and if, as a result of such investigation and report, the Board is of the opinion that there is a prima facie case for the cancellation of the registration of the professional engineer or the revocation of any licence, the Board may -

- (a) forthwith suspend the registered professional engineer concerned from practice; or
 - (b) forthwith suspend the licence,
- for a period not exceeding 6 months, pending the decision of the Board.

(4) Subject to any rules, an Investigation Committee may regulate its own procedure.

(5) Any member of the Board who is a member of an Investigation Committee investigating into any complaint against a registered professional engineer or a corporation or partnership -

- (a) shall not take part in any deliberation of the Board under section 27 or 29, as the case may be, with respect to that registered professional engineer, corporation or partnership; and

- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

Registers.

8.-(1) The Board shall keep and maintain -

- (a) a register of professional engineers in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and such other particulars in relation thereto as may from time to time be determined by the Board;
- (b) an annual register of practitioners in which shall be entered the particulars as contained in the declaration delivered under section 18 (3) (a); and
- (c) a register of licensees in which shall be entered the names of all licensed corporations and partnerships and such other particulars in relation thereto as may from time to time be determined by the Board.

(2) There shall be indicated against each person's name in the register of professional engineers and the register of practitioners such branch or branches of engineering as in the opinion of the Board the registered professional engineer is qualified to practise.

Appointment
and duties of
Registrar.

9.-(1) The Minister may appoint a Registrar of the Board.

(2) The Registrar shall be under the general direction of the Board and shall sign all certificates of registration, practising certificates and licences, and shall record all entries of registration, cancellation and reinstatement in the register of professional engineers, register of practitioners or register of licensees, as the case may be.

(3) The Registrar shall attend all meetings of the Board and record the proceedings thereof, and shall conduct the correspondence and deal with such matters as may be assigned to him from time to time by the President or the Board.

- (4) The Registrar shall -
- (a) as soon as may be convenient after 1st January each year, prepare and publish in the *Gazette* a list containing the names, qualifications (including the branch or branches of engineering to which the qualifications relate) and addresses of all registered professional engineers who have in force a practising certificate; and
 - (b) from time to time publish in the *Gazette* the names, qualifications and addresses of professional engineers added to or removed from the register of practitioners.
- (5) In any proceedings, a list published under subsection (4) shall be prima facie evidence that the persons whose names appear therein are registered professional engineers who have in force practising certificates.

PART III

PRIVILEGES OF PROFESSIONAL ENGINEERS

10.-(1) Subject to the provisions of this Act, no person shall engage in any professional engineering work in Singapore or draw or prepare any plan, sketch, drawing, design, specification or other document relating to any professional engineering work in Singapore unless at the time of so doing the person is -

- (a) a registered professional engineer who has in force a practising certificate authorising him to engage in such professional engineering work; or
 - (b) under the direction or supervision of a registered professional engineer who has in force a practising certificate authorising the professional engineer to engage in such professional engineering work.
- (2) Subject to the provisions of this Act, no person shall sign and submit to a building authority -
- (a) any plan, sketch, drawing, design, specification or other document relating to any professional engineering work in Singapore; or

- (b) any report on or a certificate or other document relating to any professional engineering work in Singapore which is required by any written law to be signed by a professional engineer,

unless at the time of so doing the person is a registered professional engineer who has in force a practising certificate authorising him to engage in such professional engineering work; and any document that is signed in contravention of this subsection shall be invalid.

(3) Subject to the provisions of this Act, no person shall use verbally or otherwise -

- (a) the words "professional engineer" or any additions to or abbreviation or derivative of those words in connection with his designation;
- (b) the word "engineer" or the abbreviation "Er." or "Engr." as a title before his name; or
- (c) any word, name or designation that will lead to the belief that the person is a registered professional engineer,

unless at the time of so doing the person is a registered professional engineer.

(4) Subject to the provisions of this Act, no person shall advertise or hold himself out or conduct himself in any way or by any means as a person who is authorised to supply professional engineering services in Singapore, unless at the time of so doing the person is a registered professional engineer who has in force a practising certificate, a licensed corporation, a licensed partnership or a partnership consisting wholly of registered professional engineers:

Provided that nothing in this subsection will apply to prevent a corporation that ceases to have in force a licence from carrying on any activity necessary to the winding up of the corporation.

(5) Subject to the provisions of this Act, no person shall supply professional engineering services in Singapore unless at the time of so doing the person is -

- (a) a registered professional engineer who has in force a practising certificate authorising him to engage in professional engineering work to which those

services relate and is doing so on his own account or as a partner in a licensed partnership or partnership consisting wholly of registered professional engineers;

- (b) an allied professional and is doing so only by reason of being a partner in a licensed partnership; or
- (c) a licensed corporation.

(6) Any person who contravenes subsection (1), (2), (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, for a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) Nothing in this section shall be construed to permit or authorise any licensed corporation or partnership to supply any professional engineering services which it is not licensed to supply.

11.-(1) Subject to the provisions of this Act, no person shall employ as a professional engineer any person who neither is a registered professional engineer nor has in force a practising certificate.

Employment of unregistered professional engineer prohibited.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, for a second or subsequent offence, to a fine not exceeding \$5,000.

12. Subject to the provisions of this Act, no person shall be entitled to recover in any court any charge, fee or remuneration for any professional engineering services rendered in Singapore unless the person rendering such services is authorised by this Act to supply those services.

Remuneration for professional engineering services.

13. Nothing in this Act shall be construed to prohibit or prevent any person not registered under this Act from carrying out work in respect of the construction of or repairs to any building or part thereof in any case in which plans are not required by any written law to be submitted to the building authority.

Minor building works.

14.-(1) Nothing in this Part shall apply to prevent –

- (a) an architect who has in force a practising certificate issued under the Architects Act 1991 or any

Relationship with architects, etc.

person under the direction or supervision of such an architect; or

(b) a corporation or partnership which is licensed under that Act to supply architectural services in Singapore, from carrying on any activity within the practice of architecture which he or it is authorised to carry out under that Act where to do so does not constitute a substantial part of services within the practice of professional engineering.

(2) Nothing in this Act shall be construed to prohibit or prevent any person not registered under this Act and who is a member of any class of persons specified in the First Schedule from carrying on any activity which he is authorised to carry out under any written law.

(3) The Minister may, by notification in the *Gazette*, amend the First Schedule; and every such notification shall be presented to Parliament as soon as possible after publication in the *Gazette*.

PART IV

REGISTRATION OF PROFESSIONAL ENGINEERS

Qualifications for registration as professional engineers.

15.-(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 holding the Degree of Bachelor of Engineering from the National University of Singapore, the Nanyang Technological University or the University of Singapore;

(b) any person holding any other degree, diploma or qualification which the Minister may, after consultation with the Board and by notification in the *Gazette*, approve for the purpose of entitling the holder thereof to be registered under this Act; or

(c) any person who satisfies the Board that he is otherwise qualified by having proper and recognised training in engineering and who passes such examinations as the Minister may, in consultation with the Board, require.

(2) No person shall be entitled to registration under subsection (1) (a), (b) or (c) unless he can satisfy the Board that he has had after obtaining his qualifications -

- (a) such practical experience in engineering work at a professional level in Singapore for a continuous period of not less than two years and has passed such professional practice examination as may be prescribed or approved by the Board;
- (b) such practical experience in engineering work for not less than 5 years as may be recognised by the Board, which shall include prescribed practical experience in engineering work at a professional level in Singapore for not less than two years comprising a continuous period of at least 12 months gained within the 5 years immediately preceding the date of his application for registration under section 16; or
- (c) such practical experience in engineering work at professional level of not less than 10 years as may be recognised by the Board.

(3) The Minister may, after consultation with the Board, by order published in the *Gazette*, exempt, subject to such conditions as he thinks fit, any person from the requirements of subsection (2).

(4) The Board may refuse to register any applicant who in the opinion of the Board -

- (a) is not of good character and reputation; or
- (b) is unable to carry out the duties of a professional engineer effectively.

(5) Any person whose application for registration has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the High Court whose decision shall be final.

16. Every application for registration under this Act shall be made to the Board in such form or manner as may be prescribed.

Application
for
registration.

17. Every person registered as a professional engineer under this Act shall, on payment of the prescribed fee, be entitled to receive a certificate of registration under the hand of the Registrar.

Certificates
of
registration.

PART V
PRACTISING CERTIFICATES

Practising
Certificates.

18.-(1) Where a registered professional engineer desires to engage in professional engineering work in Singapore after 31st December of any year, he shall, not later than 1st December of that year, apply in the prescribed form and manner for a practising certificate authorising him in the ensuing year to engage in professional engineering work within the branch of engineering indicated in the register of professional engineers as the branch of engineering in which he is qualified to practise.

(2) Notwithstanding subsection (1), where a registered professional engineer applies for a practising certificate for the first time after registration under section 15, the application shall be in the prescribed form and may be made at any time during the year and the registered professional engineer may be issued a practising certificate for the remainder of the year in which the application is made.

(3) Any application by a registered professional engineer under this section shall be addressed to the Board and be accompanied by -

(a) a declaration in writing stating -

- (i) his full name;
- (ii) the name under which he practises if different from his own name, or the name of the corporation or partnership employing him; and
- (iii) the principal and any other address or addresses at which he practises in Singapore;

(b) such evidence as the Board may require that the applicant has complied with or is exempt from the rules relating to insurance against professional liability; and

(c) the prescribed fee,

and the Board shall, subject to subsection (4), thereupon issue to the registered professional engineer a practising certificate authorising him to engage in such professional engineering work in Singapore during the year for which the certificate is issued, being professional engineering work within the branch of engineering in which he is qualified to practice.

- (4) The Board may refuse to issue a practising certificate if -
- (a) the applicant is an undischarged bankrupt or a receiving order in bankruptcy is in force against him;
 - (b) the applicant has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors;
 - (c) the applicant does not intend to practise either on his own account or in partnership, or is not or not about to be employed by any person lawfully supplying professional engineering services in Singapore;
 - (d) the declaration under subsection (3) contains a statement that to its knowledge is false in a material particular; or
 - (e) the conduct of the applicant affords reasonable grounds for believing that he will not engage in professional engineering work in Singapore in accordance with any written law and with honesty and integrity.

(5) Any registered professional engineer (not being a registered professional engineer who is applying for a practising certificate for the first time) who fails to apply for a practising certificate in the manner and within the period laid down in subsection (1) may, on the making of an application in such form and on payment of such additional fee as may be prescribed, be issued a practising certificate for -

- (a) the ensuing year if the application is made during the month of December of any year; or
- (b) the remainder of the year if the application is made on or after 1st January of any year.

(6) Subject to subsection (8), a practising certificate shall, unless earlier cancelled, be in force from the date of its issue until 31st December of the year in respect of which it is issued.

(7) A practising certificate shall specify the address of the principal place of practice and all other places of practice of the registered professional engineer to whom the practising certificate was issued, and any change in such address shall be notified by the registered professional engineer con-

cerned to the Registrar within two weeks of such change and an endorsement of such change on the practising certificate shall be obtained from the Registrar.

(8) Where the registration of a professional engineer is cancelled under section 27, the practising certificate, if any, of that professional engineer for the time being in force shall expire forthwith and the Registrar shall enter the date of such expiration on the register of practitioners and remove from that register the name of that professional engineer.

(9) Any person whose application for a practising certificate has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the High Court whose decision shall be final.

Cancellation
of practising
certificates.

19.-(1) The Board may cancel the practising certificate of any registered professional engineer on any ground specified in section 18 (4) which applies to the registered professional engineer, whether or not such ground existed at the time the practising certificate was issued.

(2) The Board shall not cancel any practising certificate under subsection (1) unless an opportunity of being heard either personally or by counsel has been given to the person concerned.

(3) Any person whose practising certificate has been cancelled by the Board under this section may, within 30 days after being notified of such cancellation, appeal to the High Court whose decision shall be final.

PART VI

MULTI-DISCIPLINE AND CORPORATE PRACTICE

Licence for
multi-
discipline and
corporate
practice.

20.-(1) Subject to the provisions of this Act, the Board may grant a licence to any corporation to supply any professional engineering services in Singapore if -

- (a) the memorandum of association of the corporation provides that a primary object of the corporation is to supply such professional engineering services;
- (b) at least \$1 million of its authorised capital is bona fide paid-up;

- (c) the articles of association of the corporation provide that no person other than a registered professional engineer or an allied professional shall be a director of the corporation;
- (d) not less than two-thirds, or such lower proportion as the Minister may specify in relation to any particular corporation, of each class of shares of the corporation shall be beneficially owned by and registered in the names of -
 - (i) registered professional engineers; or
 - (ii) registered professional engineers and allied professionals,
who are either directors, managers or employees of the corporation;
- (e) the business of the corporation, so far as it relates to such professional engineering work in Singapore, will be under the control and management of a director of the corporation who -
 - (i) is a registered professional engineer ordinarily resident in Singapore;
 - (ii) has in force a practising certificate authorising him to engage in such professional engineering work; and
 - (iii) is a registered owner of at least one share of the corporation; and
- (f) the corporation is insured against professional liability in accordance with section 24 and the rules.

(2) Subject to the provisions of this Act, the Board may grant a licence to any unlimited corporation to supply any professional engineering services in Singapore if -

- (a) the requirements specified in subsection (1) (a) and (c) are complied with;
- (b) the articles of association of the corporation provide that any person who is neither a registered professional engineer nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee of the corporation, shall not be registered as a member of that corporation; and

- (c) the business of the corporation, so far as it relates to professional engineering work, will be under the control and management of a director of the corporation who -
 - (i) is a registered professional engineer ordinarily resident in Singapore;
 - (ii) has in force a practising certificate authorising him to engage in such professional engineering work; and
 - (iii) is a member, or a registered owner of at least one share, of the corporation.

(3) Subject to the provisions of this Act, the Board may grant to any partnership not consisting wholly of registered professional engineers a licence to supply any professional engineering services in Singapore if -

- (a) the partnership is one in which only registered professional engineers, each of whom shall have in force a practising certificate authorising the holder thereof to engage in professional engineering work to which those services relate, and allied professionals have a beneficial interest in the capital assets and profits of the partnership; and
- (b) the business of the 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 ordinarily resident in Singapore; and
 - (ii) has in force a practising certificate authorising the partner to engage in such professional engineering work.

(4) Subject to the provisions of this Act, the Board may grant to any corporation or partnership a licence to supply any professional engineering services in Singapore if the corporation or partnership has in force a licence granted under section 20 of the Architects Act 1991 or section 17 of the Land Surveyors Act 1991 and -

- (a) in the case of an unlimited corporation, the corporation complies with the requirements set out in subsections (1) (c) and (2) (b) and (c);

- (b) in the case of any other corporation, the corporation complies with the requirements set out in subsection (1) (b), (c), (d) (ii), (e) and (f); or
- (c) in the case of a partnership, the partnership complies with the requirements set out in subsection (3).

(5) Any application for a licence under this section shall be in such form and shall be made in such manner as may be prescribed.

(6) The Board may refuse to grant a licence under this section to any corporation (whether unlimited or not) or 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, affords reasonable grounds for believing that the corporation or partnership, as the case may be, will not supply professional engineering services in accordance with the written law and with honesty and integrity.

(7) Every licence granted under this section shall, unless earlier revoked, be valid for such period as may be specified therein.

(8) Any person whose application for a licence has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the Minister whose decision shall be final.

21.-(1) It shall be a condition of every licence granted to any corporation or partnership that the corporation or partnership shall supply professional engineering services in Singapore only under the control and management of a registered professional engineer ordinarily resident in Singapore who has in force a practising certificate authorising him to engage in professional engineering work to which those services relate and who is -

Conditions of
licence to
practise.

- (a) a director of the corporation and -
 - (i) in the case of a corporation which has a share capital, a registered owner of at least one share of the corporation; or
 - (ii) in the case of a corporation without any share capital, a member of the corporation; or
- (b) a partner of the partnership.

(2) It shall be a condition of every licence granted to any corporation (other than an unlimited corporation) that the corporation shall not supply professional engineering services in Singapore unless -

- (a) the corporation is insured in respect of professional liability in accordance with section 24 and the rules; and
- (b) not less than two-thirds, or such lower proportion as the Minister may specify in relation to the corporation under section 20 (1) (d), of each class of shares of the corporation are beneficially owned by and registered in the names of registered professional engineers, or registered professional engineers and allied professionals, who are either directors, managers or employees of the corporation.

(3) Without prejudice to subsections (1) and (2), the Board may grant a licence subject to such other conditions as it 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 or partnership subject to conditions (other than those specified in subsections (1) and (2)), the corporation or partnership may, if aggrieved by the decision of the Board, appeal in the prescribed manner to the Minister whose decision shall be final.

Change in
composition
of board of
directors,
members, etc.

22.-(1) Any licensed corporation shall, within 30 days of the occurrence of -

- (a) any alteration of its memorandum or articles of association to remove the restrictions, limitations or prohibitions of the kind specified in section 20 (1), (2) or (4), whichever is applicable; or
- (b) any change in the composition of its board of directors, members or shareholders,

furnish the Board a true report in writing giving full particulars of the alteration or change.

(2) Any licensed partnership shall, within 30 days of the occurrence of any change in the composition of its members, furnish the Board a true report in writing giving full particulars of the change.

23.-(1) Sections 162, 163, 197 of and the Eighth Schedule to the Companies Act shall apply to a licensed corporation which is an exempt private company subject to the modification that any reference in those sections and that Schedule to an exempt private company shall not include a reference to the licensed corporation, and every such licensed corporation shall -

Application
of Companies
Act.
Cap. 50.

- (a) comply with the prohibitions in section 162 (relating to loans to its directors) and section 163 (relating to loans to persons connected with the directors of the lending company) of the Companies Act as if it were not an exempt private company; and
- (b) forward annually to the Registrar of Companies, together with the annual return required by section 197 of the Companies Act, such copies of documents as are required to be included in the annual return and such certificates and particulars in accordance with Part II of the Eighth Schedule to that Act as if it were not an exempt private company.

(2) In this section, "exempt private company" has the same meaning as in the Companies Act.

24. Every licensed corporation which is not an unlimited corporation 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 the corporation or its directors, managers, secretaries or employees.

Liability
insurance.

25. A licensed corporation 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 that exist at law between a registered professional engineer and his client.

Relationship
between
client and
corporation.

Professional responsibility of supervising engineers.

26. A registered professional engineer who has the control and management of the business of a licensed corporation relating to the supply of professional engineering services in Singapore shall be subject to the same standards of professional conduct and competence in respect of the business as if the professional engineering services were personally supplied by the registered professional engineer.

PART VII

DISCIPLINARY PROCEEDINGS AND REVOCATION OF LICENCES

Cancellation of registration or suspension from practice.

27.-(1) Subject to this section, the Board may by order cancel the registration of any professional engineer or suspend him from practice for a period not exceeding one year under any of the following circumstances:

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) if he offers or accepts any commission which in the opinion of the Board is an illicit commission;
- (c) if his registration under this Act or practising certificate has been obtained by fraud or misrepresentation;
- (d) if 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;
- (e) if he has been guilty of such improper act or conduct as renders him, in the opinion of the Board, unfit to be a registered professional engineer;
- (f) if it appears to the Board that he has contravened any provision of the prescribed code of professional conduct and ethics;
- (g) if it appears to the Board that he is no longer in a position to carry out the duties of a professional engineer effectively in Singapore;
- (h) if he has been adjudicated a bankrupt and, in the opinion of the Board, his conduct affords reasonable grounds for believing that he will not engage in professional engineering work in accordance with any written law and with honesty and integrity;

- (i) if it appears to the Board that the registered professional engineer, while being a director, manager or employee of a corporation, or a partner, manager or employee of a partnership, had failed to take reasonable steps to prevent the corporation or partnership from acting in a manner (other than as described in section 29 (1) (e)) which would warrant the Board revoking any licence granted to the corporation or partnership or imposing a penalty under section 29;
- (j) if he has been convicted of any offence under this Act; or
- (k) if he refuses or fails to comply with any order of the Board made under subsection (2) (a).

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for cancellation of registration or suspension from practice exists -

- (a) by order impose on the professional engineer a penalty not exceeding \$10,000; or
- (b) by writing under the hand of the President censure the professional engineer

(3) The Board shall not exercise its powers under subsection (1) or (2) unless an opportunity of being heard either personally or by counsel has been given to the professional engineer against whom the Board intends to exercise its powers.

(4) Every penalty imposed by the Board under subsection (2) shall be recoverable as a debt due to the Board.

(5) While any order of suspension from practice made under this Act remains in force, the person concerned shall not for the purposes of this Act be regarded as having in force a practising certificate but forthwith on the expiry or annulment of such order, his privileges under this Act shall be revived as from the date of expiry or annulment.

(6) An order of cancellation of registration or suspension from practice or an order under subsection (2) shall take effect the day immediately after the Board has by post served the order on the person concerned unless the Board or, where the person concerned gives due notice of appeal to the High Court, the Board or High Court orders otherwise.

(7) For the purposes of subsection (1) (i), a registered professional engineer shall not be deemed to have taken reasonable steps to prevent the doing of any act by a corporation or partnership unless he satisfies the Board that -

- (a) the act was done without his knowledge;
- (b) he was not in a position to influence the conduct of the corporation or partnership in relation to its action; or
- (c) he, being in such a position, exercised all due diligence to prevent the corporation or partnership from so acting.

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

Removal from register of professional engineers.

28.-(1) There shall be removed from the register of professional engineers the name and other particulars of any registered professional engineer -

- (a) who has died;
- (b) whose registration has been cancelled under section 27;
- (c) who has no address in Singapore at which he can be found; or
- (d) who has not renewed his practising certificate for a continuous period of not less than 10 years.

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

(3) Every application under subsection (2) shall be made in the prescribed form and shall be supported by an affidavit served on the Board not less than two months before the application is heard.

(4) The Board may for good cause require the applicant to advertise his intention to make the application in such manner as the Board shall direct.

(5) Subject to subsection (6), the Board may after hearing the application direct the Registrar to remove the name of the applicant from the register of professional engineers.

(6) No order shall be made on an application under subsection (2) 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 inquiry or investigation by an Investigation Committee.

29.-(1) Subject to subsection (3), the Board may by order revoke any licence it granted to a corporation or partnership if in the opinion of the Board -

Revocation
of licence

- (a) the corporation or partnership has contravened or failed to comply with any of the conditions 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), (2) or (4), whichever is applicable;
- (c) a person who is neither a registered professional engineer who has in force a practising certificate nor an allied professional has a beneficial interest in the capital assets and profits of the partnership;
- (d) the licence had been obtained by fraud or misrepresentation;
- (e) the corporation or partnership has ceased to supply professional engineering services in Singapore;
- (f) the corporation or partnership has contravened any provision of the prescribed code of professional conduct and ethics;
- (g) the corporation or partnership has contravened or failed to comply with section 22, 23 or 24 or has been convicted of an offence under this Act; (h) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership, affords grounds for believing that the corporation or 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

(i) the corporation or 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 or 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 or partnership against whom the Board intends to exercise its powers.

(4) Where the Board has revoked a licence pursuant to this section, it shall forthwith inform the corporation or partnership concerned.

(5) Any order by the Board revoking a licence or imposing a pecuniary penalty shall take effect the day immediately after the Board has by post served the order on the corporation or partnership concerned unless the Board or, where the corporation or partnership gives due notice of appeal to the High Court, the Board or High Court orders otherwise.

(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 or partnership concerned; and

(b) the corporation or 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 or partnership or by the corporation or partnership of any right or claim against any person.

30. If the Board has made -

- (a) an order of cancellation of registration or suspension from practice under section 27 against a professional engineer;
- (b) an order of revocation of a licence under section 29 against a corporation or partnership; or
- (c) an order imposing any pecuniary penalty on a registered professional engineer under section 27 (2) or on a licensed corporation or partnership under section 29 (2),

the professional engineer, corporation or partnership concerned may, within 30 days after the order has been communicated to him or them, appeal to the High Court whose decision shall be final.

Appeals.

- 31.** -(1) Any person, corporation or partnership whose name has been removed from the register of professional engineers under section 28 (1) (b) or the register of licensees under section 29 (6) (a), as the case may be, shall, if his or its appeal to the High Court is allowed, be forthwith reinstated without payment of any fee.

Reinstatement of registration.

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

PART VIII GENERAL

32.-(1) All fees payable under this Act shall be paid to the Board to be applied in the first place to defraying expenses of registration and other expenses of the administration of this Act, including any expenses of the Board that may be allowed under any rules and thereafter to providing scholarships and the promotion of learning and education in connection with engineering.

Application of fees, etc., received by Board.

(2) The Registrar shall take and receive all moneys payable to the Board under this Act'.

(3) All fees and other moneys payable to the Board under this Act shall be paid forthwith into a bank account approved by the Board.

(4) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

(5) The Board may from time to time invest any moneys not immediately required by the Board in such trustee securities as the Board may determine.

(6) The accounts of the Board shall be audited by an auditor approved by the Minister.

(7) The Board shall, as soon as practicable after the end of each accounting year but not later than 3 months from the end of that year unless the Minister otherwise authorises in writing, submit to the Minister a report of its functions, proceedings and activities during the preceding year.

Powers of Board and Investigation Committee to require attendance of witnesses, etc.

33.-(1) For the purposes of any investigation by an Investigation Committee or any hearing under section 27 or 29 by the Board, the Investigation Committee or the Board may -

(a) require evidence to be given on oath and for that purpose the Chairman of the Investigation Committee or the President or other member of the Board presiding at the hearing may administer an oath; and

(b) require any person to attend and give evidence before it and to produce all books, documents and papers in the custody of that person or under his control relating to the subject-matter of the investigation or hearing.

(2) Every person who without lawful excuse refuses or fails -

(a) to attend and give evidence when required to do so by the Investigation Committee or the Board; (b) to answer truly and fully any question put to him by a member of the Investigation Committee or the Board; or

(c) to produce to the Investigation Committee or the Board any book, document or paper required of him,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

34. Any person who -

- (a) wilfully makes or causes to be made any false entry in or falsification of any register kept and maintained under this Act;
- (b) *wilfully* procures or attempts to procure -
 - (i) for any corporation or partnership any licence; or
 - (ii) for himself or any other person a practising certificate or to be registered as a professional engineer under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or by intentionally suppressing any material fact and furnishing information which is misleading;
 - or
- (c) knowingly aids or assists in any of the acts mentioned in paragraph (a) or (b),

Penalty for wilful falsification of register and for wrongfully procuring registration, etc.

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.

35. Where a corporation, partnership or unincorporated association of persons is guilty of an offence under this Act and that offence is proved to have been committed with the authority, consent or connivance of any director, manager, partner, secretary or other similar officer of the corporation, partnership or association or any person who was purporting to act in any such capacity, he, as well as the corporation, partnership or association, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

36.-(1) The Board may, with the approval of the Minister, make rules for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, make rules -

- (a) prescribing forms of applications under this Act and certificates of registration, practising certificates and licences;

- (b) prescribing the fees payable under this Act;
 - (c) prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants or class of applicants for registration;
 - (d) prescribing the form of the register of professional engineers, register of practitioners and register of licensees to be kept and the particulars to be entered therein;
 - (e) prescribing a code of professional conduct and ethics;
 - (f) requiring all or any of the following to take out and maintain insurance against liability for breach of professional duty in the course of supplying professional engineering services:
 - (i) any partnership consisting wholly of registered professional engineers;
 - (ii) any partnership or unlimited corporation applying for a
 - (iii) any registered professional engineer applying for a practising certificate for the purpose of engaging in professional engineering practice on his own account;
 - (iv) any registered professional engineer applying for a practising certificate who is employed or about to be employed by any person or body referred to in subparagraphs (i) to (iii);
 - (v) any other registered professional engineer applying for a practising certificate;
 - (g) prescribing the terms and conditions of insurance against professional liability under this Act or rules, including a minimum limit of indemnity; and
 - (h) generally providing for such other matters as may be necessary or expedient for carrying out the provisions of this Act.
- (3) All rules made under this section shall be presented to Parliament as soon as possible after publication in the Gazette.

37.-(1) The Minister may, by order and subject to such conditions as he thinks fit, exempt any person or class of persons from all or any of the provisions of this Act.

Exemption.

(2) Any order made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

38. No action or proceedings shall lie against the Board or an Investigation Committee or any member thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

No action in absence of bad faith or malice.

PART IX

REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

39. The Professional Engineers Act is repealed.

Repeal
Cap. 253.

40.-(1) Every person who is registered under the provisions of the repealed Act immediately before the appointed day shall be deemed to be a registered professional engineer under the provisions of this Act.

Persons
already
registered.

(2) The Registrar shall transfer to the register of professional engineers the names of all persons on the register kept under section 6 of the repealed Act together with the dates of their respective registration and any other particulars appearing in that register.

41.-(1) Notwithstanding the provisions of this Act, a person who, immediately before the appointed day, held office as a member of the previous Board shall continue to hold office from that day as if appointed under the provisions of this Act and, subject to section 4, for the residue of his term of office.

Continuation
of office
of Board
members,
etc.

(2) The first Registrar of the Board shall be the person who, immediately before the appointed day, held office as the Registrar of the previous Board, and such person shall continue to hold office as if he had been appointed under section 8.

42. On the appointed day, all assets and properties of every description and all powers, rights and privileges in

Transfer of
assets and
property.

connection therewith or appertaining thereto which immediately before that day were vested in the previous Board shall be transferred to and vest in the Board without further assurance.

Transitional.

43.-(1) On the appointed day, any scheme, contract, document, licence or resolution prepared, made, granted or approved by or on behalf of the previous Board shall continue and be deemed to have been prepared, made, granted or approved by the Board under this Act.

(2) All obligations and liabilities of the previous Board existing immediately before the appointed day shall as from that day be the obligations and liabilities of the Board and the Board shall have all necessary powers to discharge them.

(3) In any written law and in any document, unless the context otherwise requires, any reference to the previous Board shall be construed as a reference to the Board.

(4) Any proceedings or cause of action pending or existing immediately before the appointed day by or against the previous Board, or any person acting on its behalf, may be continued and enforced by or against the Board.

Disciplinary proceedings.

44.-(1) Where on the appointed day any disciplinary proceedings under section 12 of the repealed Act are pending against any person, the proceedings shall be carried on and completed by the Board; but where on that day any such matter was being heard or investigated or had been heard or investigated by the previous Board or any Investigation Committee appointed under the repealed Act and no order, report or decision had been rendered thereon, the previous Board or that Investigation Committee shall continue to exist to complete the hearing or investigation and make such order, report or decision as it could have under the provisions of the repealed Act.

(2) Where pursuant to this section any order, report or decision is made by the previous Board or any Investigation Committee appointed under the repealed Act, that order, report or decision shall be treated as an order, report or decision of the Board or that Investigation Committee and have the same force and effect as if it had been made by the Board or an Investigation Committee pursuant to the provisions of this Act.

45. Notwithstanding the provisions of this Act, a person who is a registered professional engineer shall be entitled to do any of the acts referred to in section 10 without a practising certificate for a period of two months from and including the appointed day, except that nothing in this section shall authorise any registered professional engineer to do any of such acts during the aforesaid period if he is suspended from practice for that duration.

Practising certificates.

46. Every certificate of registration issued under the repealed Act to any registered professional engineer which is valid immediately before the appointed day shall not lapse but remain valid until the registration of the professional engineer is cancelled under this Act.

Certificates of registration.

47.-(1) On the expiration of two months from and including the appointed day, the Building Control Act shall be amended in the manner set out in the Second Schedule.

References in other written laws and consequential amendments. Cap. 29.

(2) On the expiration of two months from and including Cap. 29. the appointed day, all references in any other written law to registered professional engineers, or to persons registered under the provisions of the repealed Act, shall be read as references to registered professional engineers who have in force practising certificates within the meaning of this Act.

FIRST SCHEDULE

Section 14 (2).

EXEMPT CLASSES OF PERSONS.

1. Certificated officers under the Merchant Shipping Act.
2. Holders of any certificate of competency issued under regulations made under the Factories Act for the purpose of taking charge of or operating steam boilers or internal combustion engines.
3. Licensed electrical workers or licensed electrical contractors under the Electrical Workers and Contractors Licensing Act.

Cap. 179.

Cap. 104.

Cap. 89.

SECOND SCHEDULE

*Section 47 (1).*AMENDMENTS TO THE BUILDING CONTROL
ACT. (CHAPTER 29).

1. In section 2 (1), delete the words "the Professional Engineers Act" in paragraph (b) of the definition of "qualified person" and substitute the words "the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act".

2. In section 26 (1), delete the definition of "structural engineer" and substitute the following definition:

" "structural engineer" means a person who is registered under the Professional Engineers Act 1991 in the civil or structural engineering discipline and who has in force a practising certificate issued under that Act authorising him to engage in civil or structural engineering work;".