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PROFESSIONAL ENGINEERS ACT

(CHAPTER 253)

PROFESSIONAL ENGINEERS BOARD (AMENDMENT) RULES 2005

In exercise of the powers conferred by section 36 of the Professional Engineers Act, the Professional Engineers Board, with the approval of the Minister for National Development, hereby makes the following Rules:

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PROFESSIONAL ENGINEERS ACT

(CHAPTER 253)

PROFESSIONAL ENGINEERS BOARD (AMENDMENT) RULES 2005

In exercise of the powers conferred by section 36 of the Professional Engineers Act, the Professional Engineers Board, with the approval of the Minister for National Development, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Professional Engineers Board (Amendment) Rules 2005 and shall come into operation on 1st October 2005.

New Part heading

2. The Professional Engineers Board Rules (R 2) (referred to in these Rules as the principal Rules) are amended by inserting, immediately above rule 1, the following Part heading:

“PART I

PRELIMINARY

”.

Amendment of rule 2

3. Rule 2 of the principal Rules is amended —

(a) by inserting, immediately after the definition of “Chairman”, the following definition:

““elected member” , in relation to the Board, means a member of the Board referred to in section 4 (2) (c) of the Act;” and

(b) by inserting, immediately after the definition of “financial year”, the following definition:

““licensed professional engineer” means a registered professional engineer who has in force a valid practising certificate;”.

New Part heading

3. The principal Rules are amended by inserting, immediately above rule 3, the following Part heading:

“PART II**MEETINGS OF BOARD**

”.

Amendment of rule 4

4. Rule 4 (1) of the principal Rules is amended by deleting the words “7 days” and substituting the words “5 days”.

Deletion of rule 8

5. Rule 8 of the principal Rules is deleted.

Amendment of rule 9

6. Rule 9 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) All cheques drawn on the bank account of the Board shall be signed by —

(a) the President; or

(b) the Registrar,

and any member of the Board approved through a resolution of the Board for this purpose.”.

New Part III

7. The principal Rules are amended by inserting, immediately after rule 11, the following Part:

“PART III**ELECTION OF BOARD MEMBERS****Returning officer**

12. —(1) The Registrar, or any other person whom the Board may from time to time appoint, shall be the returning officer for the purpose of section 4 (2) (c) (i) of the Act.

(2) The returning officer may appoint assistant returning officers who shall act under the direction of the returning officer.

Notice of nomination

13. —(1) For the purpose of section 4 (2) (c) (i) of the Act, the returning officer shall determine —

(a) the date, time, place, manner and procedure for submitting nomination papers;

(b) the date for balloting which shall be not more than 60 days after the close of nominations; and

(c) the time and place at which, and the manner by which, the ballot is to be conducted.

(2) The returning officer shall cause a notice to be sent to every licensed professional engineer informing him of the matters referred to in paragraph (1), together with a nomination paper which shall be in such form as the Board may determine.

Nominations

14. —(1) Every licensed professional engineer who desires to nominate a candidate for election as a member of the Board shall —

(a) enter his own name as proposer and sign on the nomination paper referred to in rule 13 (2);

(b) enter on the nomination paper the name of the candidate and have the consent of the candidate endorsed thereon;

(c) enter on the nomination paper the name of a seconder for the candidate and have the signature of the seconder endorsed thereon; and

(d) submit the nomination paper in the manner fixed by the returning officer under rule 13 (1) (a) together with such information concerning the candidate as the returning officer may require.

(2) No person other than a licensed professional engineer shall propose or second the nomination of any candidate.

(3) A proposer shall not nominate more candidates in any election than the number to be filled in that election.

Vacancies filled by number of nominations

15. Where there is only one valid nomination of a licensed professional engineer in either the branch of civil engineering, electrical engineering or mechanical engineering in any election, the returning officer shall declare the candidate from that branch of engineering nominated to be elected.

Vacancy to be set aside

16. Where there is no valid nomination of a licensed professional engineer in either the branch of civil engineering, electrical engineering or mechanical engineering in any election, the returning officer shall set aside one vacancy for a licensed professional engineer in that branch of engineering to be appointed by the Minister under section 4 (4) of the Act.

Remaining vacancies

17. Where, after taking into account the number of candidates declared elected under rule 15 and the number of vacancies to be set aside under rule 16, there are no more valid nominations than the remaining number of vacancies to be filled, the returning officer shall declare the candidates in those nominations to be elected.

Vacancies exceeded by number of nominations

18. Where, after taking into account the number of candidates declared elected under rule 15 and the number of vacancies to be set aside under rule 16, there are more valid nominations than the remaining number of vacancies to be filled, the returning officer shall cause a notice to be sent to every licensed professional engineer containing instructions relating to —

- (a) the date, time and place fixed for balloting;
- (b) the manner and procedure for balloting; and
- (c) the names of the candidates and such other relevant information as the returning officer may determine.

No soliciting or canvassing for votes

19. —(1) No person shall do any of the following except in the manner permitted by the returning officer:

- (a) canvass for votes;
- (b) solicit the vote of any person; or
- (c) cause any other person to do any act referred to in sub-paragraphs (a) and (b).

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

Form and manner of voting

20. —(1) Voting shall be by secret ballot.

(2) Balloting shall be conducted in such form and manner, whether manually or by mechanical or electronic means, as the returning officer may determine.

Proof of identity

21. Every licensed professional engineer who votes shall produce such proof of identity as the returning officer may require.

Penalty for failure to vote

22. The penalty under section 4A (2) (b) of the Act for failure to vote is \$300.

Counting of votes

23. —(1) Subject to rules 15 and 16, the returning officer shall —

- (a) cause the votes given to each candidate to be counted, whether manually or by mechanical or electronic means; and
- (b) declare the following candidates to be elected:

(i) firstly, the 3 candidates from the branches of civil engineering, electrical engineering and mechanical engineering who each has the highest number of votes among the candidates in his respective branch of engineering; and

(ii) thereafter, the remaining candidates with the highest numbers of votes among all the candidates in the election, to fill the remaining vacancies.

(2) If there is an equality of votes, the successful candidate or candidates shall be determined by drawing lots.

(3) The returning officer shall cause a notice to be sent to every registered professional engineer informing him of the results of the election.

Storage of records

24. Subject to any directions that the President may give, the records of the vote shall be retained securely by the Board for 3 months.

Complaints to Board

25.—(1) Subject to paragraph (2), any question arising out of the election as to whether —

(a) a person is a licensed professional engineer;

(b) a candidate has been validly nominated; or

(c) a vote may be counted,

shall be decided by the returning officer.

(2) Any person aggrieved by any act or decision of the returning officer may, not later than 7 days after the results of an election have been declared, complain to the Board, which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(3) Any complaint that a candidate or any person on his behalf has used corrupt methods or undue influence in order to secure the election or rejection of a candidate, or has contravened rule 19 (1), shall be made to the Board which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(4) No failure to comply with these Rules shall invalidate an election if it appears that the election was conducted in accordance with the principles laid down in these Rules, and that the failure did not affect the results of the election.”.

Made this 28th day of September 2005.

CHUA KOON HOE
President,
Professional Engineers Board,
Singapore.

(To be presented to Parliament under section 36 (3) of the Professional Engineers Act).

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