



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROFESSIONAL ENGINEERS ACT 1991

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Professional Engineers Act 1991

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

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

PART 2

PROFESSIONAL ENGINEERS BOARD

4. Establishment of Professional Engineers Board
5. Compulsory voting
6. President of Board
7. Disqualifications for membership of Board
8. Filling of vacancies
9. Meetings and quorum of Board
10. Common seal of Board
11. Functions of Board
12. Committees
13. Registers
14. Appointment and duties of Registrar

PART 3

PRIVILEGES OF PROFESSIONAL ENGINEERS

15. Illegal practice
16. Recognition to carry out professional engineering work outside Singapore
17. Employment of unregistered professional engineer prohibited
18. Remuneration for professional engineering services
19. Minor building works
20. Relationship with architects, etc.

PART 4

REGISTRATION OF PROFESSIONAL ENGINEERS

Section

21. Qualifications for registration as professional engineers
22. Registration of specialist professional engineers
23. Application for registration
24. Certificates of registration
25. Amendment of register of professional engineers
26. Removal of name and particulars from register of professional engineers
27. Reinstatement of registration

PART 5

PRACTISING CERTIFICATES

28. Practising certificates
29. Cancellation of practising certificates

PART 6

MULTIDISCIPLINE AND CORPORATE PRACTICE

30. Licence for multidiscipline and corporate practice
31. Conditions of licence to practise
32. Change in composition of board of directors, members, etc.
33. Application of Companies Act 1967
34. Liability insurance
35. Relationship between client and licensed corporation or limited liability partnership
36. Professional responsibility of supervising engineers
37. Revocation of licence
38. Appeal against order of Board

PART 7

DISCIPLINARY PROCEEDINGS

39. Appointment of Investigation Panel
40. Complaints against registered professional engineers
41. Review of complaints
42. Appointment of Investigation Committee
43. Powers and procedure of Investigation Committee
44. Findings of Investigation Committee

Section

- 45. Decision of Board
- 46. Appointment of Disciplinary Committee
- 47. Observer
- 48. Professional engineer to be notified of inquiry
- 49. Powers and procedure of Disciplinary Committee
- 50. Findings of Disciplinary Committee
- 51. Appeal against order by Disciplinary Committee
- 52. Conviction final and conclusive
- 53. Service of documents

PART 8

GENERAL

- 54. Investigators
 - 55. Application of fees, etc., received by Board
 - 56. Financial penalties payable into Consolidated Fund
 - 57. Public servants
 - 58. Penalty for wilful falsification of register and for wrongfully procuring registration, etc.
 - 59. Offences by corporations
 - 60. Offences by unincorporated associations or partnerships
 - 61. Rules
 - 62. Exemption
 - 63. No action in absence of bad faith or malice
- The Schedule — Exempt classes of persons

An Act to establish the Professional Engineers Board, to provide for the registration of professional engineers, to regulate the qualifications and conduct of persons that carry out professional engineering work, and to regulate corporations, partnerships, limited liability partnerships and limited partnerships which supply professional engineering services in Singapore.

[27/2005; 36/2017]

[30 August 1991]

PART 1
PRELIMINARY

Short title

1. This Act is the Professional Engineers Act 1991.

Interpretation

2. In this Act, unless the context otherwise requires —

“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;

“builder”, “building” and “building works” have the meanings given by the Building Control Act 1989;

“building authority” means any person empowered under the provisions of the Building Control Act 1989 to approve plans of building works;

“certificate of registration” means a certificate of registration issued under section 24;

“Disciplinary Committee” means a Disciplinary Committee appointed under section 46;

“foreign engineer” means any person who is authorised to carry out professional engineering work in a country or territory outside Singapore under the law of that country or territory;

“Investigation Committee” means an Investigation Committee appointed under section 42;

“Investigation Panel” means the Investigation Panel appointed under section 39;

“licence” means a licence to supply professional engineering services granted under section 30;

“licensed”, in relation to a corporation, partnership or limited liability partnership, means a corporation, partnership or limited liability partnership which has in force a licence;

“licensed professional engineering practice” means —

- (a) a limited corporation licensed under section 30(1);
- (b) an unlimited corporation licensed under section 30(2);
- (c) a partnership licensed under section 30(3); or
- (d) a limited liability partnership licensed under section 30(4);

“limited liability partnership” has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“limited partnership” means a limited partnership registered under the Limited Partnerships Act 2008;

“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 or she 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;

“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 firstmentioned person, except that a person is not to be regarded as a nominee of another person by reason only that the person acts on the advice given by that other person in a professional capacity;

“partnership” includes a limited partnership;

“practising certificate” means —

- (a) in relation to a registered professional engineer — an annual certificate issued under section 28 authorising him or her to engage in professional engineering work in Singapore;
- (b) in relation to an allied professional who is an architect registered under the Architects Act 1991 — 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 1991 — a practising certificate issued under section 15 of that Act;

“prescribed branch of professional engineering work” means professional engineering work in any of the following branches of engineering:

- (a) chemical engineering;
- (b) civil engineering;
- (c) electrical engineering;
- (d) mechanical engineering;
- (e) any other branches of engineering that may be prescribed;

“president” means the president of the Board;

“professional engineering services” means consultancy or advisory services that require a person to engage in 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 where 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, partnerships and limited liability partnerships kept by the Board under section 13(1)(d);

“register of practitioners” means the annual register of practitioners kept by the Board under section 13(1)(c);

“register of professional engineers” means the register of professional engineers kept by the Board under section 13(1)(a);

“registered” means registered under section 21;

“Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;

“rules” means rules made by the Board under section 61;

“specialist professional engineer” means a person registered under section 22 as a specialist professional engineer;

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

[18/2003; 27/2005; 36/2017; 5/2018]

Act not to apply to Government, etc.

3.—(1) Nothing in this Act applies to anything done or omitted to be done by the Government or by a public officer under the Government’s authority.

(2) This Act is not to be construed as requiring any public authority which supplies professional engineering services in Singapore under 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 2

PROFESSIONAL ENGINEERS BOARD

Establishment of Professional Engineers Board

4.—(1) A body called the Professional Engineers Board is established in Singapore, which is 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 any other acts that bodies corporate may by law perform.

(2) The Board consists 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 nominated by him or her;
- (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;
- (e) a registered architect from the Board of Architects to be appointed by the Minister.

[27/2005]

(3) Not less than 5 members of the Board must be in private practice.

[27/2005]

(4) If elections held for the purposes of subsection (2)(c) result in less than 6 persons being elected as members of the Board, the Minister may appoint any number, that the Minister 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) must not exceed 6 in the aggregate.

[27/2005]

(5) Of the members elected under subsection (2)(c) or appointed under subsection (4), there must 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.

[27/2005]

(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.

[27/2005]

(7) The members elected under subsection (2)(c) hold office for a term not exceeding 3 years and are eligible for re-election.

[27/2005; 36/2017]

(8) However, a person is ineligible for re-election to office as a member under subsection (2)(c) if the re-election would result in the person holding office as a member for 3 consecutive terms.

[36/2017]

(9) The members appointed under subsection (2)(d) or (e) or (4) hold office for a term not exceeding 3 years and are eligible for re-appointment.

[27/2005]

(10) The Minister may, at any time, revoke the appointment of any member appointed under subsection (2)(d) or (4) without giving any reason.

[27/2005]

Compulsory voting

5.—(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) must vote for the election of those members at the time and in the manner prescribed, if any.

[27/2005]

(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 is not entitled to apply for a practising certificate unless he or she —

- (a) satisfies the Registrar that he or she had a good and sufficient reason for not voting at the election; or
- (b) pays to the Board a penalty prescribed by the Board.

[4A

[27/2005]

President of Board

6.—(1) The Board must have a president who is 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).

[27/2005]

(2) The president elected under subsection (1) must serve for a term not extending beyond the expiry of the term for which he or she has been appointed or elected to be a member of the Board and is eligible for re-election.

[27/2005; 36/2017]

(3) However, a person is ineligible for re-election as the president under subsection (1) if the re-election would result in the person holding office as the president for 3 consecutive terms.

[4B

[36/2017]

Disqualifications for membership of Board

7. A person is not qualified to be a member of the Board if the person —

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

- (b) is an undischarged bankrupt or has made any arrangement or composition with his or her creditors;
- (c) 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 or her unfit for the engineering profession;
- (d) has a mental disorder and is incapable of managing himself or herself or his or her affairs, or is incapacitated by physical illness; or
- (e) has at any time after due inquiry been found guilty by a Disciplinary Committee of improper conduct.

[4C

[27/2005; 21/2008]

Filling of vacancies

8.—(1) The office of a member of the Board becomes 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 7.

[27/2005]

(2) The Board may, with the Minister's approval, 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 or she is a member.

[27/2005]

(3) Any question as to whether a person has ceased to be a member of the Board is to be decided by the Minister whose decision is final.

[27/2005]

(4) If any vacancy arises among the elected or appointed members, the Minister must, as soon as practicable, appoint any registered professional engineer to fill that vacancy.

[27/2005]

(5) Any person appointed to fill the vacancy holds office for the remainder of the term for which his or her predecessor was elected or appointed.

[27/2005]

(6) The powers of the Board are not affected by any vacancy in its membership.

[27/2005]

(7) No act done by or under the authority of the Board is invalid because of any defect that is subsequently discovered in the appointment, election or qualification of the members or any of them.

[4D

[27/2005]

Meetings and quorum of Board

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

[27/2005]

(2) At any meeting of the Board, the president presides and in the president's absence the members present must elect from among themselves one member to preside over the meeting.

[27/2005]

(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 has a casting vote.

[27/2005]

(4) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Board may determine its own procedure.

[27/2005; 5/2018]

(5) The Board must cause proper records of its proceedings to be kept.

[4E

[27/2005]

Common seal of Board

10.—(1) The common seal of the Board must bear such device as the Board may approve and the seal may be broken, changed, altered or made anew by the Board as it may think fit.

(2) The common seal must be kept in the custody of the president and must be authenticated by the president or other member acting in the president's absence and any document purporting to be sealed and authenticated as previously mentioned is, until the contrary is proved, deemed to be validly executed.

[5]

Functions of Board

11. The functions of the Board are —

- (a) to keep and maintain every register mentioned in section 13(1);
- (b) to hold or arrange for the holding of any examinations that 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 any restrictions that it thinks 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 and the development of professional engineering, either alone or in conjunction with any other person;
- (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, partnerships and limited liability partnerships which supply professional engineering services relating to any of the prescribed branches of professional engineering work in Singapore; and
- (h) generally to do all acts, matters and things that are necessary to be carried out under the provisions of this Act.

[6]

[27/2005; 36/2017]

Committees

12. The Board may appoint such committees from among its members, registered professional engineers, allied professionals or such other persons 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.

[7
[36/2017]

Registers

13.—(1) The Board must keep and maintain —

- (a) a register of professional engineers containing the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and any other particulars in relation thereto that the Board may determine;
- (b) a register of specialist professional engineers containing the names of persons who are registered under section 22 as specialist professional engineers;
- (c) an annual register of practitioners containing the particulars as contained in the declaration delivered under section 28(3)(a);
- (d) a register of licensees containing the names of all licensed professional engineering practices and any other particulars that the Board may determine; and
- (e) a register containing the names and any other particulars that the Board may determine, of all foreign engineers authorised under section 15(1)(c).

[27/2005; 36/2017]

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

[8
[27/2005]

Appointment and duties of Registrar

14.—(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

[5/2018]

(3) In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must be under the general direction of the Board and must —

- (a) sign all certificates of registration, practising certificates and licences; and
- (b) 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.

[5/2018]

(4) The Registrar must attend all meetings of the Board and record the proceedings thereof, and must conduct the correspondence and deal with any matters that the president or the Board may assign to the Registrar.

(5) The Registrar must —

- (a) as soon as may be convenient after 1 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) publish in the *Gazette* the names, qualifications and addresses of professional engineers added to or removed from the register of practitioners.

(6) In any proceedings, a list published under subsection (5) is prima facie evidence that the persons whose names appear in the list are registered professional engineers who have in force practising certificates.

[9]

PART 3

PRIVILEGES OF PROFESSIONAL ENGINEERS

Illegal practice

15.—(1) Subject to the provisions of this Act, a person must not, in Singapore, engage in any of the prescribed branches of professional engineering work, or draw or prepare any plan, sketch, drawing, design, specification or other document relating to any of the prescribed branches of professional engineering work, unless the person —

- (a) is a registered professional engineer who has in force a practising certificate authorising the person to engage in that prescribed branch of professional engineering work;
- (b) is working under the direction or supervision of a person mentioned in paragraph (a);
- (c) being a foreign engineer, is authorised by the Board to engage in such professional engineering work in collaboration with a person mentioned in paragraph (a);
- (d) is a licensed professional engineering practice licensed to supply professional engineering services relating to that prescribed branch of professional engineering work; or
- (e) is a partnership consisting wholly of registered professional engineers —
 - (i) each of whom has in force a practising certificate; and

- (ii) one or more of whom is authorised to engage in that prescribed branch of professional engineering work.
[36/2017]

(2) The Board may, upon the payment of the prescribed fee, grant its authorisation to any person under subsection (1)(c) subject to any conditions that the Board thinks fit to impose.

[27/2005; 36/2017]

(3) Subject to the provisions of this Act, a person must not sign and submit to a building authority or to a public authority (as defined in section 3(2)) —

- (a) any plan, sketch, drawing, design, specification or other document relating to any of the prescribed branches of professional engineering work in Singapore; or
- (b) any report on or a certificate or other document relating to any of the prescribed branches of professional engineering work in Singapore which is required by any written law to be signed by a professional engineer,

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

[4/95; 27/2005; 36/2017]

(4) Subject to the provisions of this Act, a person must not use verbally or otherwise —

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

unless the person is a registered professional engineer.

[4/95]

(5) 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.

[27/2005]

(6) Subject to the provisions of this Act, a person must not advertise or hold himself, herself or itself out, or conduct himself, herself or itself in any way or by any means, as a person who is authorised to supply in Singapore, professional engineering services relating to any of the prescribed branches of professional engineering work, unless the person is —

- (a) a registered professional engineer who has in force a practising certificate authorising the person to engage in that prescribed branch of professional engineering work to which those services relate;
- (b) a licensed professional engineering practice licensed to supply professional engineering services relating to that prescribed branch of professional engineering work; or
- (c) a partnership consisting wholly of registered professional engineers —
 - (i) each of whom has in force a practising certificate; and
 - (ii) one or more of whom is authorised to engage in that prescribed branch of professional engineering work.

[36/2017]

(7) Nothing in subsection (6) prevents a licensed professional engineering practice from carrying on any activity necessary to the winding up of that practice.

[36/2017]

(8) Subject to the provisions of this Act, a person must not —

- (a) supply in Singapore, professional engineering services relating to any of the prescribed branches of professional engineering work unless the person is —
 - (i) a licensed professional engineering practice licensed to supply professional engineering services relating

to that prescribed branch of professional engineering work; or

- (ii) a registered professional engineer who has in force a practising certificate authorising him or her to engage in the prescribed branch of professional engineering work to which those services relate, and is doing so —

- (A) on the person's own account or as a director, partner or employee (as the case may be) of a licensed professional engineering practice mentioned in sub-paragraph (i); or

- (B) as a partner in a partnership consisting wholly of registered professional engineers who each has in force a practising certificate; or

- (b) offer to supply in Singapore, professional engineering services relating to any of the prescribed branches of professional engineering work unless the person is —

- (i) a person mentioned in paragraph (a)(i) or (ii);

- (ii) an allied professional who is doing so only by reason of being a partner in a licensed partnership or licensed limited liability partnership; or

- (iii) a foreign engineer authorised under subsection (1)(c) to engage in the prescribed branch of professional engineering work to which those services relate.

[36/2017]

(9) Despite subsection (8), a builder may in connection with any building works which the builder undertakes to carry out, supply or offer to supply in Singapore, professional engineering services relating to any of the prescribed branches of professional engineering work if —

- (a) the professional engineering services are provided by a person mentioned in subsection (8)(a); or

(b) the professional engineering services —

- (i) are provided by a registered professional engineer employed by the builder, and the registered professional engineer has in force a practising certificate authorising him or her to engage in the professional engineering work to which those services relate; and
- (ii) relate to any of the prescribed works necessary for the progress of the building works.

[36/2017]

(10) Any person who contravenes subsection (1), (3), (4), (6) or (8) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a natural person —

- (i) to a fine not exceeding \$5,000; and
- (ii) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a body corporate —

- (i) to a fine not exceeding \$5,000; and
- (ii) if the body corporate is a repeat offender, to a fine not exceeding \$10,000.

[36/2017]

(11) In this section, a person is a repeat offender if the person who is convicted, or found guilty, of an offence under subsection (10) has (whether before, on or after 15 January 2018) been convicted or found guilty on at least one other earlier occasion of —

- (a) an offence under subsection (10) for contravening subsection (1), (3), (4), (6) or (8); or
- (b) an offence under section 10(6) of this Act as in force immediately before that date for contravening section 10(1), (2), (3), (4) or (5) of this Act as in force immediately before that same date.

[10

[36/2017]

Recognition to carry out professional engineering work outside Singapore

16.—(1) Any person in Singapore seeking to carry out professional engineering work in a country or territory outside Singapore (called in this section an applicant), may apply to the Board to be recognised for that purpose accompanied by the prescribed fee.

[36/2017]

(2) The Board may grant an application under subsection (1) if it is satisfied that the applicant is eligible to be recognised under this section.

[36/2017]

(3) The Board may allow the applicant to whom recognition is granted to use a specified title, denoting that recognition.

[10A
[36/2017]

Employment of unregistered professional engineer prohibited

17.—(1) Subject to the provisions of this Act, a person must not employ as a professional engineer any person who is not a registered professional engineer.

[27/2005]

(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, in the case of second or subsequent offence, to a fine not exceeding \$5,000.

[11

Remuneration for professional engineering services

18.—(1) Subject to the provisions of this Act, a person is not entitled to demand, claim or sue for or recover any charge, fee or remuneration for any professional engineering services supplied by the person in Singapore, or for any offer by the person to supply professional engineering services in Singapore, in connection with any arbitration, suit or matter, unless the person supplying or offering to supply professional engineering services is authorised by this Act to supply those services.

[36/2017]

(2) Any person, who has made any payment to another person for that other person engaging in conduct which is in contravention of section 15, may recover the money in a court of competent jurisdiction if the person did not know or have reason to believe, when making payment, that the conduct by that other person was in contravention of that section.

[12

[36/2017]

Minor building works

19. Nothing in this Act is to 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 of any building in any case in which plans are not required by any written law to be submitted to a building authority or to a public authority (as defined in section 3(2)).

[13

[27/2005]

Relationship with architects, etc.

20.—(1) This Part does not prevent —

- (a) an architect who has in force a practising certificate issued under the Architects Act 1991 or any person under the direction or supervision of such an architect; or
- (b) a corporation, partnership or limited liability 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, she 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.

[27/2005]

(2) Nothing in this Act is to 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 Schedule from carrying on any activity which the person is authorised to carry out under any written law.

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

[14]

PART 4

REGISTRATION OF PROFESSIONAL ENGINEERS

Qualifications for registration as professional engineers

21.—(1) Subject to this section, the following persons are, on payment of the prescribed fee, entitled to registration under this Act as professional engineers:

- (a) any person who holds any degree or qualification or who satisfies any 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 or she is otherwise qualified by having proper and recognised academic qualifications in engineering and who satisfies such conditions as the Board may determine.

[27/2005]

(2) A person is not entitled to registration under subsection (1)(a) or (b) unless the person satisfies the Board that he or she has —

- (a) passed such examination as may be prescribed by the Board; and
- (b) after obtaining the relevant qualifications mentioned in subsection (1), acquired practical experience of such nature and duration as may be prescribed by the Board.

[36/2017]

(3) The Minister may, after consultation with the Board, by order in the *Gazette*, exempt, subject to any conditions that the Minister 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 the refusal, appeal to the General Division of the High Court whose decision is final.

[15
[40/2019]

Registration of specialist professional engineers

22.—(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 any further conditions that the Board may specify,

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

[27/2005]

(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.

[27/2005]

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

[15A
[27/2005]

Application for registration

23. Every application for registration under this Act must be made to the Board in such form and manner as may be prescribed.

[16]

Certificates of registration

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

[17]

Amendment of register of professional engineers

25. The Registrar must —

- (a) amend the register of professional engineers when there is any alteration which may come to the Registrar's 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 dead.

[17A
[27/2005]]

Removal of name and particulars from register of professional engineers

26.—(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 or she —

- (a) has no address in Singapore at which he or she can be contacted or sent any document using his or her particulars in the register; or
- (b) has not renewed his or her practising certificate for a continuous period of at least 10 years.

(2) Despite the provisions of Part 7, 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 or she has obtained his or her registration by fraud or misrepresentation;
- (b) his or her qualification for registration under section 21 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded; or
- (c) he or she refuses or has failed to comply with any order made by a Disciplinary Committee under section 50(2)(c) or (e).

[27/2005]

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

[27/2005]

(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 is final.

[27/2005]

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

[27/2005]

(6) Every application under subsection (5) must be made in the form that the Board may require and the Board may 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 or her intention to make the application in the manner that the Board directs.

[27/2005]

(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.

[27/2005]

(8) No order is to 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.

[17B

[27/2005]

Reinstatement of registration

27.—(1) Any person whose name and particulars have been removed from the register of professional engineers under section 50(2)(a) must, if the person's appeal to the General Division of the High Court under section 51 is allowed, be immediately reinstated without payment of any fee.

[27/2005; 40/2019]

(2) The Board may, after the expiry of at least 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 4.

[27/2005]

(3) Despite subsection (2), any person whose name and particulars have been removed from the register of professional engineers under section 26(1) may make a fresh application for registration at any time in accordance with the provisions of Part 4, and the Board may consider the application.

[17C

[36/2017]

PART 5**PRACTISING CERTIFICATES****Practising certificates**

28.—(1) Where a registered professional engineer desires to engage in professional engineering work in Singapore after 31 December of any year, he or she must, not later than 1 December of that year, apply in the prescribed form and manner for a practising certificate authorising him or her in the succeeding 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 or she is qualified to practise.

(2) Despite subsection (1), where a registered professional engineer applies for a practising certificate for the first time after registration under section 21, the application must 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 must be addressed to the Board and be accompanied by —

- (a) a written declaration stating —
 - (i) his or her full name;
 - (ii) the name under which he or she practises if different from his or her own name, or the name of the person employing him or her; and
 - (iii) the principal and any other address or addresses at which he or she practises in Singapore;
- (b) any evidence that 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 must, subject to subsection (4), thereupon issue to the registered professional engineer a practising certificate authorising him or her 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 or she is qualified to practise.

[27/2005]

(4) The Board may refuse to issue a practising certificate if —

- (a) the applicant is an undischarged bankrupt;
- (b) the applicant has entered into a composition with his or her creditors or a deed of arrangement for the benefit of his or her creditors;
- (c) the applicant does not intend to practise either on his or her 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;

- (e) the conduct of the applicant provides reasonable grounds for believing that he or she will not engage in professional engineering work in Singapore in accordance with any written law and with honesty and integrity; or
- (f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education.

[15/95; 18/2003]

(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 succeeding 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 1 January of that year.

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

(7) A practising certificate must 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 must be notified by the registered professional engineer concerned to the Registrar within 2 weeks of the change and an endorsement of the change on the practising certificate must be obtained from the Registrar.

(8) Where the registration of a professional engineer is cancelled under section 26(2) or 50(2)(a), the practising certificate (if any) of that professional engineer for the time being in force expires forthwith and the Registrar must enter the date of the expiry in the register of practitioners and remove from that register the name of that professional engineer.

[27/2005]

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

[18
[40/2019]

Cancellation of practising certificates

29.—(1) The Board may cancel the practising certificate of any registered professional engineer on any ground specified in section 28(4) which applies to the registered professional engineer, whether or not that ground existed at the time the practising certificate was issued.

(2) The Board must 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 the cancellation, appeal to the General Division of the High Court whose decision is final.

[19
[40/2019]

PART 6

MULTIDISCIPLINE AND CORPORATE PRACTICE

Licence for multidiscipline and corporate practice

30.—(1) Subject to the provisions of this Act, the Board may grant a licence to any limited corporation to supply professional engineering services relating to any of the prescribed branches of professional engineering work 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) the paid-up capital of the corporation 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 must be registered professional engineers or allied professionals who each has in force a practising certificate;
- (d) 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 who has in force a practising certificate; and
 - (ii) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of professional engineering services by the corporation; and
- (e) the corporation is insured against professional liability in accordance with section 34 and the rules.

[4/95; 18/2003; 27/2005; 42/2005; 36/2017]

(2) Subject to the provisions of this Act, the Board may grant a licence to any unlimited corporation to supply professional engineering services relating to any of the prescribed branches of professional engineering work 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) the articles of association of the corporation provide that —
 - (i) at least a prescribed number or proportion of its directors must be registered professional engineers or allied professionals who each has in force a practising certificate; and

- (ii) a person must not be registered as a member of that corporation unless the person is a director, a manager or an employee of the corporation; and
- (c) the business of the corporation, so far as it relates to such professional engineering work, will be under the control and management of a director of the corporation who —
 - (i) is a registered professional engineer who has in force a practising certificate;
 - (ii) is a member, or a registered owner of at least one share, of the corporation; and
 - (iii) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of professional engineering services by the corporation.

[4/95; 18/2003; 27/2005; 36/2017]

(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 professional engineering services relating to any of the prescribed branches of professional engineering work in Singapore if —

- (a) the partnership is one in which only —
 - (i) registered professional engineers who each has in force a practising certificate authorising him or her to engage in professional engineering work to which those services relate; and
 - (ii) allied professionals who each has in force a practising certificate,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 such professional engineering work in Singapore, will be under the control and management of a partner who —

- (i) is a registered professional engineer; and
- (ii) has in force a practising certificate authorising the partner to engage in such professional engineering work.

[18/2003; 27/2005; 36/2017]

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

- (a) the statement lodged by the partners of the limited liability partnership with the Registrar of Limited Liability Partnerships under section 19(1) of the Limited Liability Partnerships Act 2005 provides that a primary nature of the business of the limited liability partnership is to supply such professional engineering services;
- (b) the partners in the limited liability partnership consist only of persons who satisfy any requirements that 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 such 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 34 and the rules.

[27/2005; 36/2017]

(5) Any application for a licence under this section must be in such form and must 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), 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 provides 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.

[27/2005]

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

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

(9) In subsections (1) and (2), “prescribed number or proportion of directors” means —

- (a) where no number or proportion is specified under paragraph (b) — a majority of the directors; or
- (b) where a number or proportion is specified by the Minister for the purposes of subsections (1) and (2) by notification in the *Gazette* — such number or proportion of directors as may for the time being be so specified.

[20

[18/2003; 27/2005]

Conditions of licence to practise

31.—(1) It is a condition of every licence granted to any corporation, partnership or limited liability partnership that professional engineering services relating to any of the prescribed

branches of professional engineering work to be supplied in Singapore by the corporation, partnership or limited liability partnership must be supplied by a professional engineer —

- (a) who is responsible for the professional engineering works;
- (b) who has in force a practising certificate authorising him or her 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;
 - (iii) in the case of a limited liability partnership — a partner or an employee of the limited liability partnership; or
 - (iv) a specialist professional engineer engaged by a corporation or limited liability partnership under a contract for service to provide specialised engineering services relating to the prescribed branch of professional engineering work supplied by the corporation or limited liability partnership, as the case may be.

[27/2005; 36/2017]

(2) It is 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) must not supply professional engineering services relating to any of the prescribed branches of professional engineering work in Singapore unless the corporation or limited liability partnership is insured in respect of professional liability in accordance with section 34 and the rules.

[27/2005; 36/2017]

(3) Without affecting subsections (1) and (2), the Board may grant a licence subject to any other conditions that 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.

[27/2005]

(4) Where the Board grants to a corporation, partnership or limited liability partnership a licence 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 is final.

[21

[27/2005]

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

32.—(1) Any licensed corporation must, 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 30(1), (2) or (4), whichever is applicable;
- (b) any change in the composition of its board of directors, members or shareholders; or
- (c) any revocation of any resolution passed by the board of directors under section 30(1)(d)(ii) or (2)(c)(iii),

provide the Board a true written report giving full particulars of the alteration or change.

[18/2005]

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

(3) Any licensed limited liability partnership must, within 30 days of the occurrence of any change in the composition of its partners, provide the Board a true written report giving full particulars of the change.

[22

[27/2005]

Application of Companies Act 1967

33.—(1) Sections 162, 163 and 197 of the Companies Act 1967 apply to a licensed corporation which is an exempt private company subject to the modification that any reference in those sections to an exempt private company does not include a reference to the licensed corporation, and every such licensed corporation must —

- (a) comply with the prohibitions in sections 162 and 163 of the Companies Act 1967 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 1967, any copies of documents that are required to be included in the annual return and any certificates and particulars in accordance with the prescribed form mentioned in section 197(2) of that Act as if it were not an exempt private company.

[12/2002; 36/2014]

(2) In this section, “exempt private company” has the meaning given by the Companies Act 1967.

[23

Liability insurance

34. Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership must be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying professional engineering services relating to any of the prescribed branches of professional engineering work 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.

[24

[27/2005; 36/2017]

Relationship between client and licensed corporation or limited liability partnership

35. A licensed corporation or a licensed limited liability partnership has the same rights and is 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 or her client.

[25
[27/2005]

Professional responsibility of supervising engineers

36. A registered professional engineer who has the control and management of the business of a licensed corporation or limited liability partnership relating to the supply of professional engineering services in respect of any of the prescribed branches of professional engineering work in Singapore is subject to the same standards of professional conduct in respect of the business as if the professional engineering services were personally supplied by the registered professional engineer.

[26
[18/2003; 27/2005; 36/2017]

Revocation of licence

37.—(1) Subject to subsection (4), 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 31;
- (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 30(1) or (2), whichever applies;

- (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 30(4);
- (e) the licence had been obtained by fraud or misrepresentation;
- (f) the corporation, partnership or limited liability partnership has stopped supplying 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 32, 33 or 34 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, provides grounds for believing that the corporation, partnership or limited liability partnership (as the case may be) will not supply professional engineering services relating to any of the prescribed branches of professional engineering work 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).

[27/2005; 36/2017]

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

(a) by writing censure the corporation, partnership or limited liability partnership; or

(b) by order impose on the corporation, partnership or limited liability partnership a penalty not exceeding \$100,000.

[36/2017]

(3) Any penalty imposed under subsection (2)(b) is to be collected, and may be sued for and recovered by the Board.

[36/2017]

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

[27/2005]

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

[27/2005]

(6) Any order by the Board revoking a licence or imposing a financial penalty does not take effect until the expiry of 30 days after the Board has served the order on the corporation, partnership or limited liability partnership concerned.

[27/2005]

(7) Where an order of revocation becomes effective —

(a) the Registrar must 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 must, from the date of the notice, stop supplying professional engineering services relating to any of the prescribed branches of professional engineering work in

Singapore except as may be approved by the Board for the purpose of winding up its business.

[27/2005; 36/2017]

(8) Subsection (7)(b) does not affect 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.

[26A

[27/2005]

Appeal against order of Board

38.—(1) If the Board has made —

- (a) an order of revocation of a licence under section 37 against a corporation, partnership or limited liability partnership; or
- (b) an order imposing any financial penalty on a licensed corporation, partnership or limited liability partnership under section 37(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 General Division of the High Court against the order, and the decision of the General Division of the High Court is final.

[27/2005; 40/2019]

(2) Where the corporation, partnership or limited liability partnership concerned has appealed to the General Division of the High Court against an order under section 37, the order does not take effect unless the order is confirmed by the General Division of the High Court or the appeal is for any reason dismissed by the General Division of the High Court or withdrawn.

[27/2005; 40/2019]

(3) Any corporation, partnership or limited liability partnership whose name has been removed from the register of licensees under section 37(7)(a) must, if its appeal to the General Division of the High Court is allowed, be immediately reinstated without payment of any fee.

[26B

[27/2005; 40/2019]

PART 7

DISCIPLINARY PROCEEDINGS

Appointment of Investigation Panel

39.—(1) For the purpose of enabling Investigation Committees to be appointed under section 42, the Board must appoint a panel (called in this Act the Investigation Panel) consisting of —

- (a) not less than 10 but 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 but not more than 10 allied professionals or laypersons.

[27/2005]

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

[27/2005]

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

[27
[27/2005]

Complaints against registered professional engineers

40. Any complaint or information 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 or her unfit for his or her profession;
- (b) any improper act or conduct of a registered professional engineer in his or her professional capacity which brings disrepute to his or her 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 37(1)(f)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 37(2),

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

[28

[27/2005; 36/2017]

Review of complaints

41.—(1) Subject to subsection (3), the Board must, upon receiving any complaint under section 40, refer the complaint to the Registrar for review.

[27/2005]

(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.

[27/2005]

(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 26(2), and in such a case, the Board may take any action that it thinks fit under that section.

[27/2005]

(4) The Registrar —

- (a) must review the complaint or information referred to him or her 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 the review, enlist the assistance of any registered professional engineer, allied professional or layperson on the Investigation Panel.

[27/2005]

(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 provide any document or information that the Registrar considers relevant for the purpose of the review.

[27/2005]

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

- (a) dismiss the complaint or information, if the Registrar 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 or her 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.

[27/2005]

(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.

[29

[27/2005]

Appointment of Investigation Committee

42.—(1) The Board may appoint one or more Investigation Committees comprising —

- (a) a chairperson 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 layperson,

to inquire into any complaint or information received by the Board under section 40.

[27/2005]

(2) A member of the Investigation Panel who has assisted the Registrar in reviewing any complaint or information under section 41(4)(b) must not be a member of an Investigation Committee inquiring into the same matter.

[27/2005]

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

[27/2005]

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

[27/2005]

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

[27/2005]

(6) The chairperson of an Investigation Committee must, even though he or she has ceased to be a member of the Board on the expiry

of his or her term of office, continue to be the chairperson of the Investigation Committee until the Investigation Committee has completed its work.

[27/2005]

(7) A member of an Investigation Committee must, even though he or she has ceased to be a member of the Investigation Panel on the expiry of his or her term of office, continue to be a member of the Investigation Committee until the Investigation Committee has completed its work.

[30

[27/2005]

Powers and procedure of Investigation Committee

43.—(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, or under the control, of the person which may be related to or be connected with the subject matter of the inquiry.

[27/2005]

(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 the person 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.

[27/2005]

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

[27/2005]

(4) An Investigation Committee must 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.

[31

[27/2005]

Findings of Investigation Committee

44. Upon due inquiry into any complaint or information, an Investigation Committee must 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 a letter of advice or a letter of warning;
- (c) order that a formal inquiry be held by a Disciplinary Committee;
- (d) make any other order that the Investigation Committee considers appropriate.

[31A

[27/2005]

Decision of Board

45.—(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 any other order that the Board thinks fit.

[27/2005]

(2) The Board must 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 44(b); or

(b) make any other order against the registered professional engineer in accordance with the recommendation of the Investigation Committee under section 44(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.

[27/2005]

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

[27/2005]

(4) A registered professional engineer who is aggrieved by any advice or order of the Board, being an advice or order mentioned in section 44(b) or (d) may, within 30 days of being notified of the decision of the Board, appeal to the Minister whose decision is final.

[27/2005]

(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 44(a), (b) or (d), the person may, within 30 days of being notified of the decision, appeal to the Minister whose decision is final.

[27/2005]

(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) any other order that the Minister thinks fit.

[31B

[27/2005]

Appointment of Disciplinary Committee

46.—(1) The Board may 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 45, ordered that a formal inquiry be held by a Disciplinary Committee; or

(b) any matter referred to the Board under section 41(6)(b).

[27/2005]

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

[27/2005]

(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.

[27/2005]

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

[27/2005]

(5) The Board must appoint a member of a Disciplinary Committee to be the chairperson of the Disciplinary Committee.

[27/2005]

(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.

[27/2005]

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

[27/2005]

(8) A member of a Disciplinary Committee must, even though he or she has ceased to be a member of the Board on the expiry of his or her term of office, continue to be a member of the Disciplinary Committee until the Disciplinary Committee has completed its work.

[31C

[27/2005]

Observer

47.—(1) The Board must appoint a member of the Investigation Panel who is an allied professional or a layperson 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 41(4)(b) or been a member of the Investigation Committee which had inquired into the same matter.

[27/2005]

(2) The observer must 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.

[31D

[27/2005]

Professional engineer to be notified of inquiry

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

[27/2005]

(2) An inquiry must 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.

[27/2005]

(3) On application to the Disciplinary Committee, the registered professional engineer may request to postpone the formal inquiry, and the Disciplinary Committee may grant the application and postpone the formal inquiry to a date that it may determine, or refuse the application.

[31E

[27/2005]

Powers and procedure of Disciplinary Committee

49.—(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, or under the control, of the person which may be related to or be connected with the subject matter of the formal inquiry.

[27/2005]

(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 the person 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.

[27/2005]

(3) The Disciplinary Committee —

- (a) is not bound to act in any formal manner and is not bound by the provisions of the Evidence Act 1893 or by any other written law relating to evidence, but may inform itself on any matter in any manner that 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.

[27/2005]

(4) Any party to the proceedings before a Disciplinary Committee may take out subpoenas to testify or to produce documents, and the subpoenas must be served and may be enforced as if they were orders to attend court or orders to produce documents issued in connection with a civil action in the General Division of the High Court.

[42/2005; 40/2019]

[Act 25 of 2021 wef 01/04/2022]

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

[27/2005]

(6) Persons giving evidence in a formal inquiry have the same privileges and immunities in relation to an inquiry as if it were a proceeding in a court of law.

[27/2005]

(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, any remuneration that the Board may determine.

[27/2005]

(8) A Disciplinary Committee must 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.

[27/2005]

(9) In sections 172 to 175, 177, 179, 182 and 228 of the Penal Code 1871, “public servant” is deemed to include a member of a Disciplinary Committee holding a formal inquiry, and in sections 193 and 228 of the Penal Code 1871, “judicial proceeding” is deemed to include such a formal inquiry.

[31F

[27/2005]

Findings of Disciplinary Committee

50.—(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 or her unfit for his or her profession;
- (b) has been guilty of any improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his or her 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 37(1)(f)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 37(2),

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

[27/2005; 36/2017]

(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 \$50,000;
- (d) by writing censure the registered professional engineer; and
- (e) make any other order that the Disciplinary Committee thinks fit.

[27/2005; 36/2017]

(3) In addition to its powers under subsection (2), the Disciplinary Committee may order the registered professional engineer concerned to pay to the Board a sum, not exceeding \$50,000, that the Disciplinary Committee thinks fit in respect of the costs and

expenses of and incidental to any proceedings against him or her under this Part.

[27/2005; 36/2017]

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

[27/2005]

(5) The costs and expenses mentioned in subsection (3) include —

- (a) the costs and expenses of any advocate and solicitor appointed by the Board for proceedings before the Disciplinary Committee;
- (b) any reasonable expenses that the Board may pay to witnesses; and
- (c) any reasonable expenses that are necessary for the conduct of proceedings before the Disciplinary Committee,

and the General Division of the High Court has jurisdiction to tax those costs and any such order for costs is enforceable as if it were made in connection with a civil action in the General Division of the High Court.

[27/2005; 40/2019]

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

[27/2005]

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

[27/2005]

(8) On making an order mentioned in subsection (2)(a) or (b), the Disciplinary Committee, if satisfied that removing the name of the registered professional engineer concerned from the register of professional engineers or suspending him or her 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 or her

name from the register or suspend him or her from practice, as the case may be.

[27/2005]

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

[27/2005]

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

[27/2005]

(11) For the purposes of subsection (1)(e), a registered professional engineer is not to 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 or she satisfies the Disciplinary Committee that —

- (a) the act was done without his or her knowledge;
- (b) he or she 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 or she, being in such a position, exercised all due diligence to prevent the corporation, partnership or limited liability partnership from so acting.

[27/2005]

(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.

[27/2005]

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

[31G

[27/2005]

Appeal against order by Disciplinary Committee

51.—(1) Any person aggrieved by a decision of the Disciplinary Committee mentioned in section 50(2), (3) or (4) may, within 30 days after the notice of the order is served on the person, appeal to the General Division of the High Court against the order.

[27/2005; 40/2019]

(2) There is no appeal from the decision of the General Division of the High Court.

[27/2005; 40/2019]

(3) In any appeal to the General Division of the High Court against a decision mentioned in section 50(2), (3) or (4), the General Division of the High Court is to 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 General Division of the High Court unsafe, unreasonable or contrary to the evidence.

[27/2005; 40/2019]

(4) Despite anything in section 50, where a person has appealed to the General Division of the High Court against an order mentioned in section 50(2) or (3), the order does not take effect unless the order is confirmed by the General Division of the High Court or the appeal is for any reason dismissed by the General Division of the High Court or withdrawn.

[31H]

[27/2005; 40/2019]

Conviction final and conclusive

52. 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 General Division of the High Court on appeal from any order of a Disciplinary Committee, must accept his or her conviction as final and conclusive.

[31I]

[27/2005; 40/2019]

Service of documents

53. Any notice, order or document required or authorised to be served under this Part is 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 the person's address as stated in the appropriate register.

[31J

[27/2005]

PART 8**GENERAL****Investigators**

54.—(1) The Board may, in writing, appoint a member or an employee of the Board, a public officer or any other person as an investigator, subject to any conditions and limitations that the Board may specify, to investigate the commission of an offence under this Act.

[36/2017]

(2) An investigator may, for the purposes of subsection (1) —

- (a) by order in writing require any person —
 - (i) to provide any information within the person's knowledge;
 - (ii) to produce any document or other record, or any article or thing which may be in the person's custody or possession and which may be related to or connected with the subject matter of the investigation for inspection by the investigator and for making copies, or to provide copies of such document or other record; and

- (iii) if necessary, to attend at a specified time and place for the purpose of complying with sub-paragraph (i) or (ii);
- (b) by order in writing require the attendance before the investigator of any person who, from any information given or otherwise, appears to be acquainted with the facts and circumstances of the matter under investigation; and
- (c) examine orally any person apparently acquainted with the facts and circumstances of the matter under investigation, and to reduce into writing the answer given or statement made by that person who is bound to state truly the facts and circumstances with which the person is acquainted, and the statement made by that person must be read over to the person and must, after correction (if necessary), be signed by the person.

[36/2017]

(3) An investigator may apply to a Magistrate for a search warrant relating to any premises if the investigator has reasonable cause to believe that evidence of the commission of an offence under this Act can be found in the premises.

[36/2017]

(4) The Magistrate may issue a search warrant if satisfied that there are reasonable grounds to do so.

[36/2017]

(5) A search warrant issued under subsection (4) authorises the investigator to whom it is directed to enter and search the premises referred to in the warrant and to do all or any of the following:

- (a) inspect and make copies of, or take extracts from, or require any person or the person having the management or control of the premises to provide copies of or extracts from, any document, record or electronic material relating to the affairs of the premises or services provided at the premises;
- (b) take any photographs or video recording that the investigator thinks necessary to record the premises or

part of the premises, including any instrument, article, document or record found on the premises;

- (c) seize and remove from the premises any record, document, or any other material which the investigator reasonably believes to be the subject matter of, or to be connected with, an investigation under subsection (1).

[36/2017]

(6) Any person who —

- (a) intentionally offers any resistance to or wilfully delays an investigator in the exercise of any power under subsection (2) or pursuant to a search warrant issued under subsection (4); or
- (b) fails to comply with any requisition or order of an investigator under subsection (2),

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.

[31K

[36/2017]

Application of fees, etc., received by Board

55.—(1) All fees payable under this Act must be paid to the Board to be applied —

- (a) first, 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
- (b) thereafter, to providing scholarships and the promotion of learning and education in connection with engineering.

(2) The Registrar must 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 must be paid forthwith into a bank account approved by the Board.

(4) The Board may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

[32
[45/2004]

Financial penalties payable into Consolidated Fund

56. All financial penalties collected by the Board under this Act must be paid into the Consolidated Fund.

[33
[36/2017]

Public servants

57. Every member and employee of the Board is, in relation to his or her administration, assessment, collection and enforcement of payment of any financial penalty imposed under this Act, taken to be a public officer for the purposes of the Financial Procedure Act 1966; and section 20 of that Act applies to each of these persons even though he or she is not or was not in the employment of the Government.

[33A
[36/2017]

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

58. 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, partnership or limited liability partnership any licence; or
 - (ii) for himself or herself 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 providing information which is misleading; or

- (c) knowingly aids or assists in any of the acts mentioned in paragraph (a) or (b),

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.

[34

[27/2005]

Offences by corporations

59.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

[36/2017]

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —

- (i) an officer of the corporation; or
- (ii) an individual involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

- (b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;

- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

[36/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

[36/2017]

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[36/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

[36/2017]

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and

- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[35

[36/2017]

Offences by unincorporated associations or partnerships

60.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

[36/2017]

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

[36/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

[36/2017]

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[36/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the unincorporated association or partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

[36/2017]

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

[35A

[36/2017]

Rules

61.—(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 limiting 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 any applicant 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 licence;
 - (iii) any registered professional engineer applying for a practising certificate for the purpose of engaging in professional engineering practice on his or her 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 sub-paragraphs (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 any other matters that may be necessary or expedient for carrying out the provisions of this Act.

(3) All rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[36

Exemption

62.—(1) The Minister may, by order and subject to any conditions that the Minister thinks fit, exempt any person or class of persons from all or any of the provisions of this Act.

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

[37]

No action in absence of bad faith or malice

63. No action or proceedings shall lie against the Board, any committee appointed by the Board under this Act, 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.

[38]

[27/2005]

THE SCHEDULE

Section 20(2) and (3)

EXEMPT CLASSES OF PERSONS

1. Certificated officers under the Merchant Shipping Act 1995.
2. Holders of any certificate of competency issued under regulations made under the Workplace Safety and Health Act 2006 for the purpose of taking charge of or operating steam boilers or internal combustion engines.
3. Electrical workers licensed under the Electricity Act 2001.
4. Fire safety engineers registered under the Fire Safety Act 1993.

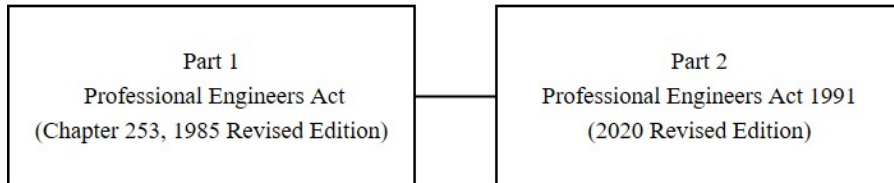
[7/2004; 27/2005; 7/2006]

LEGISLATIVE HISTORY

PROFESSIONAL ENGINEERS ACT 1991

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

PROFESSIONAL ENGINEERS ACT

(CHAPTER 253, 1985 REVISED EDITION)

1. Act 29 of 1970 — Professional Engineers Act, 1970

Bill	:	25/1969
First Reading	:	15 October 1969
Second Reading	:	22 December 1969
Select Committee Report	:	Parl. 3 of 1970
Third Reading	:	26 June 1970
Commencement	:	2 January 1971

2. 1970 Revised Edition — Professional Engineers Act (Chapter 225)

Operation	:	31 July 1971
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3. Act 11 of 1977 — Professional Engineers (Amendment) Act, 1977

Bill	:	13/1977
First Reading	:	2 September 1977
Second and Third Readings	:	9 November 1977
Commencement	:	1 April 1978

4. Act 30 of 1980 — Professional Engineers (Amendment) Act, 1980

Bill	:	18/1980
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First Reading	:	29 July 1980
Second and Third Readings	:	31 October 1980
Commencement	:	15 December 1980

5. 1985 Revised Edition — Professional Engineers Act (Chapter 253)

Operation	:	30 March 1987
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PART 2
PROFESSIONAL ENGINEERS ACT 1991
(2020 REVISED EDITION)

6. Act 23 of 1991 — Professional Engineers Act 1991

Bill	:	10/1991
First Reading	:	26 February 1991
Second Reading	:	22 March 1991
Select Committee Report	:	Parl. 3 of 1991
Third Reading	:	28 June 1991
Commencement	:	30 August 1991

7. 1992 Revised Edition — Professional Engineers Act (Chapter 253)

Operation	:	9 March 1992
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8. Act 4 of 1995 — Professional Engineers (Amendment) Act 1995

Bill	:	35/1994
First Reading	:	5 December 1994
Second and Third Readings	:	23 January 1995
Commencement	:	1 April 1995

9. Act 15 of 1995 — Bankruptcy Act 1995

(Amendments made by section 167(4) read with item (14) of the Second Schedule to the above Act)

Bill	:	16/1994
First Reading	:	25 July 1994
Second Reading	:	25 August 1994
Select Committee Report	:	Parl. 1 of 1995
Third Reading	:	23 March 1995

Commencement : 15 July 1995 (section 167(4) read with item (14) of the Second Schedule)

10. Act 12 of 2002 — Companies (Amendment) Act 2002

(Amendments made by section 63(c) of the above Act)

Bill : 16/2002
 First Reading : 23 May 2002
 Second and Third Readings : 8 July 2002
 Commencement : 13 January 2003 (section 63(c))

11. Act 18 of 2003 — Building Control (Amendment) Act 2003

(Amendments made by section 16 read with item (2) of the Schedule to the above Act)

Bill : 17/2003
 First Reading : 14 August 2003
 Second and Third Readings : 2 September 2003
 Commencement : 1 January 2004 (section 16 read with item (2) of the Schedule)

12. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

(Amendments made by section 28 read with item (3) of the Schedule to the above Act)

Bill : 5/2004
 First Reading : 5 January 2004
 Second and Third Readings : 6 February 2004
 Commencement : 15 April 2004 (section 28 read with item (3) of the Schedule)

13. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (39) of the Schedule to the above Act)

Bill : 43/2004
 First Reading : 21 September 2004
 Second and Third Readings : 19 October 2004
 Commencement : 15 December 2004 (section 25(4) read with item (39) of the Schedule)

14. Act 27 of 2005 — Professional Engineers (Amendment) Act 2005

Bill : 17/2005

First Reading	:	18 July 2005
Second and Third Readings	:	15 August 2005
Commencement	:	1 October 2005 (sections 3 and 4) 1 December 2005 (sections 2 and 5 to 25)

15. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 7 read with item (15) of the Fifth Schedule and section 19 of the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 January 2006 (section 7 read with item (15) of the Fifth Schedule) 30 January 2006 (section 19)

16. Act 7 of 2006 — Workplace Safety and Health Act 2006
(Amendments made by section 68 read with item (3) of the Seventh Schedule to the above Act)

Bill	:	36/2005
First Reading	:	17 October 2005
Second and Third Readings	:	17 January 2006
Commencement	:	1 March 2006 (section 68 read with item (3) of the Seventh Schedule)

17. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008
(Amendments made by section 33 read with item 1(39) of the Second Schedule to the above Act)

Bill	:	11/2008
First Reading	:	21 July 2008
Second and Third Readings	:	15 September 2008
Commencement	:	1 March 2010 (section 33 read with item 1(39) of the Second Schedule)

18. Act 36 of 2014 — Companies (Amendment) Act 2014
(Amendments made by section 188 read with item 3 of the Second Schedule to the above Act)

Bill	:	25/2014
First Reading	:	8 September 2014

Second Reading	:	7 October 2014
Notice of Amendments	:	8 October 2014
Third Reading	:	8 October 2014
Commencement	:	3 January 2016 (section 188 read with item 3 of the Second Schedule)

19. Act 36 of 2017 — Professional Engineers (Amendment) Act 2017

Bill	:	30/2017
First Reading	:	1 August 2017
Second and Third Readings	:	11 September 2017
Commencement	:	15 January 2018 (except section 12) 16 July 2018 (section 12)

20. Act 5 of 2018 — Public Sector (Governance) Act 2018

(Amendments made by section 91 of the above Act)

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018
Commencement	:	1 April 2018 (section 91)

21. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

(Amendments made by section 28(1) read with item 127 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 127 of the Schedule)

22. 2020 Revised Edition — Professional Engineers Act 1991

Operation	:	31 December 2021
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23. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021
(Amendments made by Part 7 of the above Act)

Bill	:	18/2021
First Reading	:	26 July 2021
Second and Third Readings	:	14 September 2021
Commencement	:	1 April 2022

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE

PROFESSIONAL ENGINEERS ACT 1991

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	1992 Ed.
4—(8)	4—(7A)
(9)	(8)
(10)	(9)
5	4A
6	4B
7	4C
8	4D
9	4E
10	5
11	6
12	7—(1)
—	(2) [<i>Deleted by Act 27 of 2005</i>]
—	(3) [<i>Deleted by Act 27 of 2005</i>]
—	(4) [<i>Deleted by Act 27 of 2005</i>]
—	(5) [<i>Deleted by Act 27 of 2005</i>]
13	8
14	9
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
15	10
(2)	(1A)

2020 Ed.	1992 Ed.
(3)	(2)
(4)	(3)
(5)	(3A)
(6)	(4)
(7)	(5)
—	(5A) [<i>Deleted by Act 36 of 2017</i>]
(8)	(6)
(9)	(7)
(10)	(8)
(11)	(9)
16	10A
17	11
18	12
19	13
20	14
21	15
22	15A
23	16
24	17
25	17A
26	17B
27	17C
28	18
29	19
30	20
31	21
32	22
33	23

2020 Ed.	1992 Ed.
34	24
35	25
36	26
37	26A
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
38	26B
39	27
40	28
41	29
42	30
43	31
44	31A
45	31B
46	31C
47	31D
48	31E
49	31F
50	31G
51	31H
52	31I
53	31J
54	31K
55	32

2020 Ed.	1992 Ed.
—	(4) [<i>Deleted by Act 5 of 2018</i>]
(4)	(5)
—	(6) [<i>Deleted by Act 5 of 2018</i>]
—	(7) [<i>Deleted by Act 5 of 2018</i>]
56	33
57	33A
58	34
59	35
60	35A
61	36
62	37
63	38
—	PART IX
—	39 [<i>Repealed by Act 27 of 2005</i>]
—	40 [<i>Repealed by Act 27 of 2005</i>]
—	41 [<i>Repealed by Act 27 of 2005</i>]
—	42 [<i>Repealed by Act 27 of 2005</i>]
—	43 [<i>Repealed by Act 27 of 2005</i>]
—	44 [<i>Repealed by Act 27 of 2005</i>]
—	45 [<i>Repealed by Act 27 of 2005</i>]