



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROFESSIONAL ENGINEERS ACT

(CHAPTER 253)

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Professional Engineers Act

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[Act 36 of 2017 wef 15/01/2018]

[30th August 1991]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Professional Engineers Act.

Interpretation

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

“allied professional” means —

- (a) an architect who is registered under the Architects Act [Cap. 12]; or
- (b) a land surveyor who is registered under the Land Surveyors Act [Cap. 156];

“Board” means the Professional Engineers Board established under section 4;

“builder”, “building” and “building works” have the same meanings as in the Building Control Act (Cap. 29);

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

“certificate of registration” means the certificate of registration issued under section 17;

“Disciplinary Committee” means a Disciplinary Committee appointed under section 31C;

“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;

[Act 36 of 2017 wef 15/01/2018]

“Investigation Committee” means an Investigation Committee appointed under section 30;

“Investigation Panel” means the Investigation Panel appointed under section 27;

“licence” means a licence to supply professional engineering services granted under section 20;

“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 20(1);
- (b) an unlimited corporation licensed under section 20(2);
- (c) a partnership licensed under section 20(3); or
- (d) a limited liability partnership licensed under section 20(4);

[Act 36 of 2017 wef 15/01/2018]

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

“limited partnership” means a limited partnership registered under the Limited Partnerships Act (Cap. 163B);

[Act 36 of 2017 wef 15/01/2018]

“manager” —

- (a) in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and
- (b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;

“nominee”, in relation to any person, means a person who is accustomed or under an obligation (whether formal or informal) to act in accordance with directions, instructions or wishes of the first-mentioned person, except that a person shall not be regarded as a nominee of another person by

reason only that he acts on the advice given by that other person in a professional capacity;

“partnership” includes a limited partnership;

[Act 36 of 2017 wef 15/01/2018]

“practising certificate” —

- (a) in relation to a registered professional engineer, means an annual certificate issued under section 18 authorising him to engage in professional engineering work in Singapore;
- (b) in relation to an allied professional who is an architect registered under the Architects Act (Cap. 12), means a practising certificate issued under section 18 of that Act; and
- (c) in relation to an allied professional who is a land surveyor registered under the Land Surveyors Act (Cap. 156), means a practising certificate issued under section 15 of that Act;

“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) such other branches of engineering as may be prescribed;

[Act 36 of 2017 wef 15/01/2018]

“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 wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data;

“register of licensees” means the register of licensed corporations, partnerships and limited liability partnerships kept by the Board under section 8(1)(c);

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

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

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

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

[Act 5 of 2018 wef 01/04/2018]

“rules” means rules made by the Board under section 36;

“specialist professional engineer” means a person registered under section 15A as a specialist professional engineer;

[Act 36 of 2017 wef 15/01/2018]

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

Act not to apply to Government, etc.

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

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

the provisions of any written law to obtain a licence; and in this subsection, “public authority” means any body established by or under any written law and exercising powers vested therein by written law for a public purpose.

PART II

PROFESSIONAL ENGINEERS BOARD

Establishment of Professional Engineers Board

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

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

- (a) the Commissioner of Building Control;
- (b) the President of the Institution of Engineers, Singapore, or a registered professional engineer of at least 10 years’ standing to be nominated by him;
- (c) not more than 6 registered professional engineers who are resident in Singapore and have in force a practising certificate —
 - (i) to be elected by registered professional engineers who have in force a practising certificate; or
 - (ii) failing such election, to be appointed by the Minister under subsection (4);
- (d) not more than 6 registered professional engineers to be appointed by the Minister; and
- (e) a registered architect from the Board of Architects to be appointed by the Minister.

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

(4) If elections held for the purposes of subsection (2)(c) result in less than 6 persons being elected as members of the Board thereunder, the Minister may appoint such number, as he thinks fit, of registered professional engineers who have in force a practising certificate to be members of the Board, except that the number of members so appointed and the number of members elected under subsection (2)(c) shall not exceed 6 in the aggregate.

(5) Of the members elected under subsection (2)(c) or appointed under subsection (4), there shall be at least —

- (a) one registered professional engineer in the branch of civil engineering;
- (b) one registered professional engineer in the branch of electrical engineering; and
- (c) one registered professional engineer in the branch of mechanical engineering.

(6) Only registered professional engineers of at least 10 years' standing may be elected under subsection (2)(c) or appointed under subsection (4) as members of the Board.

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

[Act 36 of 2017 wef 15/01/2018]

(7A) 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.

[Act 36 of 2017 wef 15/01/2018]

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

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

Compulsory voting

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

of the Board under section 4(2)(c) shall vote for the election of such members at such time and in such manner as may be prescribed.

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

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

President of Board

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

- (a) who have been elected under section 4(2)(c) or appointed under section 4(4); or
- (b) who have been appointed under section 4(2)(d).

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

[Act 36 of 2017 wef 15/01/2018]

(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.

[Act 36 of 2017 wef 15/01/2018]

Disqualifications for membership of Board

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

- (a) he is neither a citizen nor a permanent resident of Singapore;
- (b) he is an undischarged bankrupt or has made any arrangement or composition with his creditors;

- (c) he has been convicted of any offence involving fraud, dishonesty or moral turpitude, or of any other offence implying a defect in character which makes him unfit for the engineering profession;
- (d) he is mentally disordered and incapable of managing himself or his affairs or is incapacitated by physical illness; or
- (e) he has at any time after due inquiry been found guilty by a Disciplinary Committee of improper conduct.

Filling of vacancies

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

- (a) dies;
- (b) resigns or is removed from office; or
- (c) becomes in any manner disqualified for office within the meaning of section 4C.

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

- (a) the Board; or
- (b) a Disciplinary Committee of which he is a member.

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

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

(5) Any person appointed to fill the vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

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

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

Meetings and quorum of Board

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

(2) At any meeting of the Board, the President shall preside and in his absence the members present shall elect from among themselves one member to preside over the meeting.

(3) If on any question to be determined by the Board there is an equality of votes, the President or the member presiding over that meeting shall have a casting vote.

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

[Act 5 of 2018 wef 01/04/2018]

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

Common seal of Board

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

(2) The common seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President and any document purporting to be sealed and authenticated as aforesaid shall, until the contrary is proved, be deemed to be validly executed.

Functions of Board

6. The functions of the Board shall be —

- (a) to keep and maintain every register mentioned in section 8(1);

[Act 36 of 2017 wef 15/01/2018]

- (b) to hold or arrange for the holding of such examinations as the Board considers necessary for the purpose of enabling persons to qualify for registration under this Act;
- (c) to approve or reject applications for registration under this Act or to approve any such applications subject to such restrictions as it may think fit to impose;
- (d) to establish and maintain standards of professional conduct and ethics of the engineering profession;
- (e) to promote learning and education in connection with engineering and the development of professional engineering, either alone or in conjunction with any other person;
[Act 36 of 2017 wef 15/01/2018]
- (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
[Act 36 of 2017 wef 15/01/2018]
- (h) generally to do all such acts, matters and things as are necessary to be carried out under the provisions of this Act.

Committees

7.—(1) 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.

[Act 36 of 2017 wef 15/01/2018]

Registers

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

- (a) a register of professional engineers in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and such other particulars in relation thereto as may from time to time be determined by the Board;
- (b) a register of specialist professional engineers in which shall be entered the names of persons who are registered under section 15A as specialist professional engineers;
- (c) an annual register of practitioners in which shall be entered the particulars as contained in the declaration delivered under section 18(3)(a);

[Act 36 of 2017 wef 15/01/2018]

- (d) a register of licensees containing the names of all licensed professional engineering practices and such other particulars as may be determined by the Board; and

[Act 36 of 2017 wef 15/01/2018]

- (e) a register containing the names and any other particulars as may be determined by the Board, of all foreign engineers authorised under section 10(1)(c).

[Act 36 of 2017 wef 15/01/2018]

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

Appointment and duties of Registrar

9.—(1) 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.

[Act 5 of 2018 wef 01/04/2018]

(1A) 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.

[Act 5 of 2018 wef 01/04/2018]

(2) In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must be under the general direction of the Board and shall sign all certificates of registration, practising certificates and licences, and shall record all entries of registration, cancellation and reinstatement in the register of professional engineers, register of practitioners or register of licensees, as the case may be.

[Act 5 of 2018 wef 01/04/2018]

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

(4) The Registrar shall —

- (a) as soon as may be convenient after 1st January each year, prepare and publish in the *Gazette* a list containing the names, qualifications (including the branch or branches of engineering to which the qualifications relate) and addresses of all registered professional engineers who have in force a practising certificate; and
- (b) from time to time publish in the *Gazette* the names, qualifications and addresses of professional engineers added to or removed from the register of practitioners.

(5) In any proceedings, a list published under subsection (4) shall be prima facie evidence that the persons whose names appear therein are registered professional engineers who have in force practising certificates.

PART III

PRIVILEGES OF PROFESSIONAL ENGINEERS

Illegal practice

10.—(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 him 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.

[Act 36 of 2017 wef 15/01/2018]

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

[Act 36 of 2017 wef 15/01/2018]

(2) Subject to the provisions of this Act, no person shall 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

[Act 36 of 2017 wef 15/01/2018]

- (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,

[Act 36 of 2017 wef 15/01/2018]

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

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

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

unless the person is a registered professional engineer.

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

(4) Subject to the provisions of this Act, a person must not advertise or hold himself out, or conduct himself 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 him 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.

[Act 36 of 2017 wef 15/01/2018]

(5) Nothing in subsection (4) prevents a licensed professional engineering practice from carrying on any activity necessary to the winding up of that practice.

[Act 36 of 2017 wef 15/01/2018]

(5A) *[Deleted by Act 36 of 2017 wef 15/01/2018]*

(6) 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 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.

[Act 36 of 2017 wef 15/01/2018]

(7) Despite subsection (6), 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 (6)(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 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.

[Act 36 of 2017 wef 15/01/2018]

(8) Any person who contravenes subsection (1), (2), (3), (4) or (6) 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.

[Act 36 of 2017 wef 15/01/2018]

(9) In this section, a person is a repeat offender if the person who is convicted, or found guilty, of an offence under subsection (8) has (whether before, on or after the date of commencement of section 9(d) of the Professional Engineers (Amendment) Act 2017) been convicted or found guilty on at least one other earlier occasion of —

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

[Act 36 of 2017 wef 15/01/2018]

Recognition to carry out professional engineering work outside Singapore

10A.—(1) Any person in Singapore seeking to carry out professional engineering work in a country or territory outside Singapore (called in this section the applicant), may apply to the Board to be recognised for that purpose accompanied by the prescribed fee.

(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.

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

[Act 36 of 2017 wef 15/01/2018]

Employment of unregistered professional engineer prohibited

11.—(1) Subject to the provisions of this Act, no person shall employ as a professional engineer any person who is not a registered professional engineer.

(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.

Remuneration for professional engineering services

12.—(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.

(2) Any person, who has made any payment to another person for that other person engaging in conduct which is in contravention of section 10, 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 section 10.

[Act 36 of 2017 wef 15/01/2018]

Minor building works

13. Nothing in this Act shall be construed to prohibit or prevent any person not registered under this Act from carrying out work in respect of the construction of or repairs to any building or part thereof in any case in which plans are not required by any written law to be submitted to a building authority or to a public authority (as defined in section 3(2)).

Relationship with architects, etc.

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

- (a) an architect who has in force a practising certificate issued under the Architects Act [Cap. 12] 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 or it is authorised to carry out under that Act where to do so does not constitute a substantial part of services within the practice of professional engineering.

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

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

PART IV

REGISTRATION OF PROFESSIONAL ENGINEERS

Qualifications for registration as professional engineers

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

- (a) any person who holds any degree or qualification or who satisfies such other requirements which the Minister may, after consultation with the Board and by notification in the *Gazette*, approve for the purpose of the registration of persons as professional engineers under this Act; and
- (b) any person who satisfies the Board that he is otherwise qualified by having proper and recognised academic

qualifications in engineering and who satisfies such conditions as the Board may determine.

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

[Act 36 of 2017 wef 16/07/2018]

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

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

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

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

[Act 40 of 2019 wef 02/01/2021]

Registration of specialist professional engineers

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

- (a) has sat and passed such examination as may be prescribed by the Board, or holds such postgraduate degrees or qualifications or has gained such special knowledge in a specialised branch of engineering as may be approved by the Board;
- (b) has such experience in that specialised branch of engineering as may be required by the Board; and

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

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

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

- (a) providing for the registration of specialists in any specialised branch of engineering;
- (b) regulating the recording in, removal from, and restoration to the register of specialist professional engineers of the names, particulars and qualifications of persons so registered;
- (c) providing for appeals by registered professional engineers against any refusal of the Board to register them in the register of specialist professional engineers or to restore their names to that register or against any decision of the Board to remove their names from that register;
- (d) prescribing the fees payable in respect of —
 - (i) any application for registration as a specialist professional engineer;
 - (ii) any such registration as a specialist professional engineer;
 - (iii) any restoration of names to the register of specialist professional engineers; and
 - (iv) any appeal.

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

Application for registration

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

Certificates of registration

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

Amendment of register of professional engineers

17A. The Registrar shall —

- (a) amend the register of professional engineers when there is any alteration which may come to his knowledge in the name, address or other relevant particulars of any registered professional engineer;
- (b) correct any error in any entry in the register of professional engineers; and
- (c) remove from the register of professional engineers the name of any person —
 - (i) whose name has been ordered to be removed under any provision of this Act; or
 - (ii) who is deceased.

Removal of name and particulars from register of professional engineers

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

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

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

- (a) he has obtained his registration by fraud or misrepresentation;
- (b) his qualification for registration under section 15 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded; or
- (c) he refuses or has failed to comply with any order made by a Disciplinary Committee under section 31G(2)(c) or (e).

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

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

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

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

- (a) that the application should be supported by a statutory declaration;
- (b) that the applicant should advertise his intention to make the application in such manner as the Board shall direct.

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

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

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

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

Reinstatement of registration

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

[Act 40 of 2019 wef 02/01/2021]

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

(3) Despite subsection (2), any person whose name and particulars have been removed from the register of professional engineers under section 17B(1), may make a fresh application for registration at any time in accordance with the provisions of Part IV, and the Board may consider the application.

[Act 36 of 2017 wef 15/01/2018]

PART V

PRACTISING CERTIFICATES

Practising certificates

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

(2) Notwithstanding subsection (1), where a registered professional engineer applies for a practising certificate for the first time after

registration under section 15, the application shall be in the prescribed form and may be made at any time during the year and the registered professional engineer may be issued a practising certificate for the remainder of the year in which the application is made.

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

- (a) a declaration in writing stating —
 - (i) his full name;
 - (ii) the name under which he practises if different from his own name, or the name of the person employing him; and
 - (iii) the principal and any other address or addresses at which he practises in Singapore;
- (b) such evidence as the Board may require that the applicant has complied with or is exempt from the rules relating to insurance against professional liability; and
- (c) the prescribed fee,

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

(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 creditors or a deed of arrangement for the benefit of his creditors;
- (c) the applicant does not intend to practise either on his own account or in partnership, or is not or not about to be employed by any person lawfully supplying professional engineering services in Singapore;

- (d) the declaration under subsection (3) contains a statement that to its knowledge is false in a material particular;
- (e) the conduct of the applicant affords reasonable grounds for believing that he will not engage in professional engineering work in Singapore in accordance with any written law and with honesty and integrity; or
- (f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education.

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

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

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

(7) A practising certificate shall specify the address of the principal place of practice and all other places of practice of the registered professional engineer to whom the practising certificate was issued, and any change in such address shall be notified by the registered professional engineer concerned to the Registrar within two weeks of such change and an endorsement of such change on the practising certificate shall be obtained from the Registrar.

(8) Where the registration of a professional engineer is cancelled under section 17B(2) or 31G(2)(a), the practising certificate, if any, of that professional engineer for the time being in force shall expire forthwith and the Registrar shall enter the date of such expiration on

the register of practitioners and remove from that register the name of that professional engineer.

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

[Act 40 of 2019 wef 02/01/2021]

Cancellation of practising certificates

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

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

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

[Act 40 of 2019 wef 02/01/2021]

PART VI

MULTI-DISCIPLINE AND CORPORATE PRACTICE

Licence for multi-discipline and corporate practice

20.—(1) Subject to the provisions of this Act, the Board may grant a licence to any 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 shall be registered professional engineers or allied professionals who each has in force a practising certificate;
- (e) the business of the corporation, so far as it relates to such professional engineering work in Singapore, will be under the control and management of a director of the corporation who —
 - (i) is a registered professional engineer 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
- (f) the corporation is insured against professional liability in accordance with section 24 and the rules.

[Act 36 of 2017 wef 15/01/2018]

(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 shall be registered professional engineers or allied professionals who each has in force a practising certificate; and

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

[Act 36 of 2017 wef 15/01/2018]

(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 to engage in professional engineering work to which those services relate; and
 - (ii) allied professionals who each has in force a practicing certificate,have a beneficial interest in the capital assets and profits of the partnership; and
- (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.

[Act 36 of 2017 wef 15/01/2018]

(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 15(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005) provides that a primary nature of the business of the limited liability partnership is to supply such professional engineering services;
- (b) the partners in the limited liability partnership consist only of persons who satisfy such requirements as the Board may, with the approval of the Minister, prescribe;
- (c) at least one of the partners of the limited liability partnership is a registered professional engineer who has in force a practising certificate;
- (d) the business of the limited liability partnership, so far as it relates to 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

[Act 36 of 2017 wef 15/01/2018]

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

[Act 36 of 2017 wef 15/01/2018]

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

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

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

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

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

- (a) a majority of the directors, where no number or proportion is specified under paragraph (b); 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.

Conditions of licence to practise

21.—(1) It shall be a condition of every licence granted to any corporation, partnership or limited liability partnership that

professional engineering services relating to any of the prescribed branches of professional engineering work to be provided in Singapore by the corporation, partnership or limited liability partnership shall be supplied by a professional engineer —

- (a) who shall be responsible for the professional engineering works;
- (b) who has in force a practising certificate authorising him to engage in professional engineering work to which those services relate; and
- (c) who is —
 - (i) in the case of a corporation, a director or an employee of the corporation;
 - (ii) in the case of a partnership, a partner or an employee of the partnership;
 - (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).

[Act 36 of 2017 wef 15/01/2018]

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

[Act 36 of 2017 wef 15/01/2018]

(3) Without prejudice to subsections (1) and (2), the Board may grant a licence subject to such other conditions as the Board thinks fit

and may at any time vary any existing conditions (other than those specified in subsections (1) and (2)) of such a licence or impose additional conditions thereto.

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

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

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

- (a) any alteration of its memorandum or articles of association to remove the restrictions, limitations or prohibitions of the kind specified in section 20(1), (2) or (4), whichever is applicable;
- (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 20(1)(e)(ii) or (2)(c)(iii),

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

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

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

Application of Companies Act

23.—(1) Sections 162, 163 and 197 of the Companies Act [Cap. 50] shall 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 shall not include a reference to the licensed corporation, and every such licensed corporation shall —

- (a) comply with the prohibitions in sections 162 and 163 of the Companies Act as if it were not an exempt private company; and
- (b) forward annually to the Registrar of Companies, together with the annual return required by section 197 of the Companies Act, such copies of documents as are required to be included in the annual return and such certificates and particulars in accordance with the prescribed form referred to in section 197(2) of that Act as if it were not an exempt private company.

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

Liability insurance

24. Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership shall be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying professional engineering services 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.

[Act 36 of 2017 wef 15/01/2018]

Relationship between client and licensed corporation or limited liability partnership

25. A licensed corporation or a licensed limited liability partnership shall have the same rights and shall be subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation or limited liability partnership, as the

case may be, that exist at law between a registered professional engineer and his client.

Professional responsibility of supervising engineers

26. 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 shall be 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.

[Act 36 of 2017 wef 15/01/2018]

Revocation of licence

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

- (a) the corporation, partnership or limited liability partnership has failed to comply with any condition imposed by the Board under section 21;
- (b) the memorandum or articles of association of the corporation have been so altered that they no longer include the restrictions, limitations or prohibitions of the kind specified in section 20(1) or (2), whichever is applicable;
- (c) a person who is neither —
 - (i) a registered professional engineer who has in force a practising certificate; nor
 - (ii) an allied professional who has in force a practising certificate,has a beneficial interest in the capital assets and profits of the partnership;
- (d) the limited liability partnership no longer satisfies the requirements of section 20(4);

- (e) the licence had been obtained by fraud or misrepresentation;
- (f) the corporation, partnership or limited liability partnership has ceased to supply professional engineering services in Singapore;
- (g) the corporation, partnership or limited liability partnership has contravened any provision of the prescribed code of professional conduct and ethics;
- (h) the corporation, partnership or limited liability partnership has contravened section 22, 23 or 24 or has been convicted of an offence under this Act;
- (i) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership or limited liability partnership, affords grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply professional engineering services 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

[Act 36 of 2017 wef 15/01/2018]

- (j) the corporation, partnership or limited liability partnership has refused or failed to comply with an order of the Board made under subsection (2).

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

- (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.

[Act 36 of 2017 wef 15/01/2018]

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

[Act 36 of 2017 wef 15/01/2018]

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

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

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

(6) Where an order of revocation becomes effective —

- (a) the Registrar shall cause notice of the revocation to be published in the *Gazette* and remove from the register of licensees the name and other particulars of the corporation, partnership or limited liability partnership concerned; and
- (b) the corporation, partnership or limited liability partnership concerned shall, as from the date of the notice, cease to supply professional engineering services 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.

[Act 36 of 2017 wef 15/01/2018]

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

Appeal against order of Board

26B.—(1) If the Board has made —

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

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

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

[Act 40 of 2019 wef 02/01/2021]

(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 26A, the order shall 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.

[Act 40 of 2019 wef 02/01/2021]

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

[Act 40 of 2019 wef 02/01/2021]

PART VII

DISCIPLINARY PROCEEDINGS

Appointment of Investigation Panel

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

- (a) not less than 10 and not more than 20 registered professional engineers of at least 10 years' standing who are not members of the Board; and
- (b) not less than 5 and not more than 10 allied professionals or lay persons.

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

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

Complaints against registered professional engineers

28. Any complaint 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 unfit for his profession;
- (b) any improper act or conduct of a registered professional engineer in his professional capacity which brings disrepute to his profession;
- (c) any contravention by a registered professional engineer of any provision of the prescribed code of professional conduct and ethics;
- (d) the ability of a registered professional engineer to carry out the duties of a professional engineer effectively in Singapore; or
- (e) any failure on the part of a registered professional engineer, while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A(1)(f)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A(2),

[Act 36 of 2017 wef 15/01/2018]

shall be made to the Board in writing and shall be supported by such statutory declaration as the Board may require, except that no

statutory declaration shall be required if the complaint is made or given by any public officer or officer of the Board.

[Act 36 of 2017 wef 15/01/2018]

Review of complaints

29.—(1) Subject to subsection (3), the Board shall, upon receiving any complaint under section 28, refer the complaint to the Registrar for review.

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

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

(4) The Registrar —

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

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

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

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

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

- (b) in a case where the complaint or information relates to the conviction (whether in Singapore or elsewhere) of the registered professional engineer of an offence that —
 - (i) involves fraud or dishonesty; or
 - (ii) implies a defect in character which makes the registered professional engineer unfit for his profession,recommend to the Board to refer the matter to a Disciplinary Committee for a formal inquiry; and
- (c) in any other case, recommend to the Board to refer the matter to an Investigation Committee for an inquiry.

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

Appointment of Investigation Committee

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

- (a) a chairman who is a member of the Board;
- (b) 2 members of the Investigation Panel who are registered professional engineers; and
- (c) a member of the Investigation Panel who is an allied professional or a lay person,

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

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

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

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

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

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

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

Powers and procedure of Investigation Committee

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

- (a) to attend at a specified time and place and give evidence before the Investigation Committee; and
- (b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the inquiry.

(2) Any person who, without lawful excuse —

- (a) refuses or fails to comply with any requirement of the Investigation Committee under subsection (1); or
- (b) refuses to answer or gives a false answer to any question put to him by a member of the Investigation Committee,

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

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

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

Findings of Investigation Committee

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

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

Decision of Board

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

- (a) accept the recommendation and make the recommended order;
 - (b) refer the matter back to the Investigation Committee for further inquiry; or
 - (c) make such other order as the Board thinks fit.
- (2) The Board shall not —
- (a) issue any letter of advice or letter of warning to a registered professional engineer in accordance with the recommendation of the Investigation Committee under section 31A(b); or

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

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

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

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

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

(6) The Minister may, in relation to an appeal under subsection (4) or (5), make —

- (a) an order affirming the decision of the Board;
- (b) an order directing a formal inquiry to be held by a Disciplinary Committee; or
- (c) such other order as he thinks fit.

Appointment of Disciplinary Committee

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

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

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

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

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

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

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

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

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

Observer

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

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

Professional engineer to be notified of inquiry

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

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

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

Powers and procedure of Disciplinary Committee

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

- (a) to attend at a specified time and place and give evidence before the Disciplinary Committee; and
- (b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the formal inquiry.

(2) Any person who, without lawful excuse —

- (a) refuses or fails to comply with any requirement of the Disciplinary Committee under subsection (1); or
- (b) refuses to answer or gives a false answer to any question put to him by a member of the Disciplinary Committee,

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

(3) The Disciplinary Committee —

- (a) shall not be bound to act in any formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence, but may inform itself on any matter in such manner as it thinks fit;
- (b) may administer an oath or affirmation to any person giving evidence before it; and
- (c) may, subject to the rules, regulate its own procedure for a formal inquiry.

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

[Act 40 of 2019 wef 02/01/2021]

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

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

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

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

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

Findings of Disciplinary Committee

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

- (a) has been convicted of any offence involving fraud, dishonesty or moral turpitude, or such defect in character which makes him unfit for his profession;
- (b) has been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his profession;
- (c) has contravened any provision of the prescribed code of professional conduct and ethics;
- (d) is no longer in a position to carry out the duties of a registered professional engineer effectively in Singapore; or
- (e) while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, had failed to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A(1)(f)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A(2),

[Act 36 of 2017 wef 15/01/2018]

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

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

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

- (b) by order suspend the registered professional engineer from practice for a period of not more than 2 years;
- (c) by order impose on the registered professional engineer a penalty not exceeding \$50,000;

[Act 36 of 2017 wef 15/01/2018]

- (d) by writing censure the registered professional engineer; and
- (e) make such other order as the Disciplinary Committee thinks fit.

(3) In addition to its powers under subsection (2), the Disciplinary Committee may order the registered professional engineer concerned to pay to the Board such sum, not exceeding \$50,000, as the Disciplinary Committee thinks fit in respect of the costs and expenses of and incidental to any proceedings against him under this Part.

[Act 36 of 2017 wef 15/01/2018]

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

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

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

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

[Act 40 of 2019 wef 02/01/2021]

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

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

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

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

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

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

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

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

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

Appeal against order by Disciplinary Committee

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

[Act 40 of 2019 wef 02/01/2021]

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

[Act 40 of 2019 wef 02/01/2021]

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

[Act 40 of 2019 wef 02/01/2021]

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

[Act 40 of 2019 wef 02/01/2021]

Conviction final and conclusive

31I. In any proceedings under this Part in relation to the conviction of a registered professional engineer for a criminal offence, the Minister, the Board, an Investigation Committee, a Disciplinary

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

[Act 40 of 2019 wef 02/01/2021]

Service of documents

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

- (a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of residence or business of the person on whom it is to be served; or
- (b) by sending it by registered post addressed to the person on whom the notice is to be served at his address as stated in the appropriate register.

PART VIII

GENERAL

Investigators

31K.—(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 such conditions and limitations as the Board may specify, to investigate the commission of an offence under this Act.

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

- (a) by order in writing require any person —
 - (i) to furnish 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.

(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.

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

(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 such photographs or video recording as 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).

(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.

[Act 36 of 2017 wef 15/01/2018]

Application of fees, etc., received by Board

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

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

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

(4) *[Deleted by Act 5 of 2018 wef 01/04/2018]*

(5) 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 (Cap. 1).

(6) *[Deleted by Act 5 of 2018 wef 01/04/2018]*

(7) *[Deleted by Act 5 of 2018 wef 01/04/2018]*

[Act 36 of 2017 wef 15/01/2018]

Financial penalties payable into Consolidated Fund

33. All financial penalties collected by the Board under this Act are to be paid into the Consolidated Fund.

[Act 36 of 2017 wef 15/01/2018]

Public servants

33A. Every member and employee of the Board is, in relation to his 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 (Cap. 109); and section 20 of that Act applies to each of these persons even though he is not or was not in the employment of the Government.

[Act 36 of 2017 wef 15/01/2018]

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

34. Any person who —

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

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.

Offences by corporations

35.—(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 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.

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

- (a) who is —
 - (i) an officer of the corporation, or a member of a corporation (in the case where the affairs of the corporation are managed by its members); or
 - (ii) an individual who is 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.

(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.

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

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(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.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“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.

[Act 36 of 2017 wef 15/01/2018]

Offences by unincorporated associations or partnerships

35A.—(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 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.

(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 who is 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.

(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.

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

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(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.

(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.

[Act 36 of 2017 wef 15/01/2018]

Rules

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

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

- (a) prescribing forms of applications under this Act and certificates of registration, practising certificates and licences;
- (b) prescribing the fees payable under this Act;
- (c) prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants or class of applicants for registration;
- (d) prescribing the form of the register of professional engineers, register of practitioners and register of licensees to be kept and the particulars to be entered therein;
- (e) prescribing a code of professional conduct and ethics;
- (f) requiring all or any of the following to take out and maintain insurance against liability for breach of professional duty in the course of supplying professional engineering services:
 - (i) any partnership consisting wholly of registered professional engineers;
 - (ii) any partnership or unlimited corporation applying for a licence;
 - (iii) any registered professional engineer applying for a practising certificate for the purpose of engaging in professional engineering practice on his own account;

- (iv) any registered professional engineer applying for a practising certificate who is employed or about to be employed by any person or body referred to in 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 such other matters as may be necessary or expedient for carrying out the provisions of this Act.

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

Exemption

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

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

No action in absence of bad faith or malice

38. 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.

[27/2005 wef 01/12/2005]

PART IX

39. to 45. *[Repealed by Act 27/2005 wef 01/12/2005]*

THE SCHEDULE

Section 14(2)

EXEMPT CLASSES OF PERSONS

1. Certificated officers under the Merchant Shipping Act [Cap. 179].
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.
[7/2006 wef 01/03/2006]
3. Electrical workers licensed under the Electricity Act (Cap. 89A).
[27/2005 wef 01/12/2005]
4. Fire safety engineers registered under the Fire Safety Act (Cap. 109A).
[7/2004 wef 15/04/2004]

LEGISLATIVE HISTORY

PROFESSIONAL ENGINEERS ACT

(CHAPTER 253)

This Legislative History is provided for the convenience of users of the Professional Engineers Act. It is not part of this Act.

1. Act 23 of 1991 — Professional Engineers Act 1991

Date of First Reading	: 26 February 1991 (Bill No. 10/1991 published on 28 February 1991)
Date of Second Reading	: 22 March 1991
Date of Third Reading	: 28 June 1991
Date of commencement	: 30 August 1991

2. 1992 Revised Edition — Professional Engineers Act

Date of operation	: 9 March 1992
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3. Act 4 of 1995 — Professional Engineers (Amendment) Act 1995

Date of First Reading	: 5 December 1994 (Bill No. 35/1994)
Date of Second and Third Readings	: 23 January 1995
Date of commencement	: 1 April 1995

4. Act 15 of 1995 — Bankruptcy Act 1995

Date of First Reading	: 25 July 1994 (Bill No. 16/1994)
Date of Second Reading	: 25 August 1994
Select Committee Report	: Parl. 1 of 1995
Date of Third Reading	: 23 March 1995
Date of commencement	: 15 July 1995 (section 167(4) read with item (14) of the Second Schedule)

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

Date of First Reading	: 23 May 2002 (Bill No. 16/2002)
Date of Second and Third Readings	: 8 July 2002

Date of commencement : 13 January 2003 (section 63(c))

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

Date of First Reading : 14 August 2003
(Bill No. 17/2003)

Date of Second and Third Readings : 2 September 2003

Date of commencement : 1 January 2004 (section 16 read
with item (2) of the Schedule)

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

(Consequential amendments made by)

Date of First Reading : 5 January 2004
(Bill No. 5/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 15 April 2004
(item (3) in the Schedule)

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

(Consequential amendments made by)

Date of First Reading : 21 September 2004
(Bill No. 43/2004 published on
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

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

Date of First Reading : 18 July 2005
(Bill No. 17/2005 published on
19 July 2005)

Date of Second and Third Readings : 15 August 2005

Date of commencement : 1 October 2005 (sections 3 and
4)
1 December 2005 (sections 2
and 5 to 25)

10. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

Date of First Reading : 17 October 2005
(Bill No. 30/2005 published on
18 October 2005)

Date of Second and Third Readings : 21 November 2005
 Date of commencement : 1 January 2006
 (item (15) in the Fifth Schedule)
 30 January 2006

11. Act 7 of 2006 — Workplace Safety and Health Act 2006

(Consequential amendments made by)

Date of First Reading : 17 October 2005
 (Bill No. 36/2005 published on
 18 October 2005)
 Date of Second and Third Readings : 17 January 2006
 Date of commencement : 1 March 2006

12. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008

(Consequential amendments made by)

Date of First Reading : 21 July 2008
 (Bill No. 11/2008 published on
 22 July 2008)
 Date of Second and Third Readings : 15 September 2008
 Date of commencement : 1 March 2010
 (item (39) in the Second
 Schedule)

13. Act 36 of 2014 — Companies (Amendment) Act 2014

Date of First Reading : 8 September 2014
 (Bill No. 25/2014)
 Date of Second and Third Readings : 8 October 2015
 Date of commencement : 3 January 2016

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

Date of First Reading : 1 August 2017
 (Bill No. 30/2017)
 Date of Second and Third Readings : 11 September 2017
 Date of commencement : 15 January 2018
 16 July 2018

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

Date of First Reading : 6 November 2017
 (Bill No. 45/2017)
 Date of Second and Third Readings : 8 January 2018

Date of commencement : 1 April 2018

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

Date of First Reading : 7 October 2019
(Bill No. 32/2019)

Date of Second and Third Readings : 5 November 2019

Date of commencement : 2 January 2021