

PROFESSIONAL ENGINEERS ACT
(CHAPTER 253, SECTION 36)

PROFESSIONAL ENGINEERS (CODE OF PROFESSIONAL
CONDUCT AND ETHICS) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Code of Professional Conduct and Ethics
The Schedule
-

[30th August 1991]

Citation

1. These Rules may be cited as the Professional Engineers (Code of Professional Conduct and Ethics) Rules.

Code of Professional Conduct and Ethics

2.—(1) Every registered professional engineer shall observe and be guided by Parts I and II of the Code of Professional Conduct and Ethics set out in the Schedule.

(2) Every licensed corporation and partnership shall, when supplying professional engineering services in Singapore, observe and be guided by Part I of the Code of Professional Conduct and Ethics set out in the Schedule.

THE SCHEDULE

Rule 2

CODE OF PROFESSIONAL CONDUCT AND ETHICS

PART I

1. In this Part, unless the context otherwise requires —

“housing developer” has the same meaning as in the Housing and Developers (Control and Licensing) Act (Cap. 130);

THE SCHEDULE — *continued*

“professional engineer” and any associated pronoun means a registered professional engineer and includes a licensed corporation or partnership;

“publicity” means any form of advertisement and includes any advertisement —

(a) printed in any medium for the communication of information;

(b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise including but not limited to the internet,

and its derivatives, and “publicise”, “publicised” and “publicising” shall be construed accordingly.

[S 234/99 wef 01/06/1999]

2.—(1) A professional engineer shall uphold the dignity, standing and reputation of the profession.

(2) A professional engineer may, subject to these Rules, publicise his practice or allow his employees or agents to do so.

[S 234/99 wef 01/06/1999]

(3) A professional engineer shall not publicise his practice in a manner which —

(a) is likely to diminish public confidence in the engineering profession or to otherwise bring the profession into disrepute;

(b) may reasonably be regarded as being misleading, deceptive, inaccurate, false or unbecoming the dignity of the profession; or

(c) the Board may determine to be an undesirable manner of publicising his practice.

[S 234/99 wef 01/06/1999]

(3A) For the purposes of these Rules, publicity shall be considered to be misleading, deceptive, inaccurate or false if it —

(a) contains a material misrepresentation;

(b) omits to state a material fact;

(c) contains any information which cannot be verified; or

(d) is likely to create an unjustified expectation about the results that can be achieved by the professional engineer.

[S 234/99 wef 01/06/1999]

(3B) In publicising his practice, a professional engineer shall ensure that —

(a) any claim to expertise or specialisation can be justified;

THE SCHEDULE — *continued*

- (b) the publicity does not make any direct or indirect mention of past projects in which, or clients for whom, the professional engineer or any of his firm or company had acted where the provision of such information will involve a breach of confidentiality owed to any client or former client; and
- (c) the publicity does not make any comparison or criticism in relation to the quality of the services provided by any other professional engineer or allied professional.

[S 234/99 wef 01/06/1999]

(3C) For the purpose of sub-paragraph (3B)(a), the following factors shall be taken into account in justifying any claim to expertise or specialisation:

- (a) academic qualifications;
- (b) experience;
- (c) facilities;
- (d) personnel; and
- (e) capacity to render service.

[S 234/99 wef 01/06/1999]

(4) A professional engineer shall refrain from expressing publicly an opinion on an engineering project unless the professional engineer is informed of the facts relating thereto.

(5) A professional engineer shall —

- (a) exercise due restraint in criticising the work of another professional engineer; and
- (b) not maliciously or recklessly injure or attempt to injure, directly or indirectly, the professional reputation, prospects or business of another professional engineer.

(6) Sub-paragraph (4) shall not affect any moral obligation to expose unethical conduct before the proper authorities or preclude a frank but private appraisal of employees or of professional engineers being considered for employment.

(7) A professional engineer shall not endorse engineering products or processes in any commercial advertisement.

3.—(1) A professional engineer shall discharge his duties to his employer or client with complete fidelity.

(2) A professional engineer shall not accept remuneration for professional engineering services rendered from any person other than his employer or client except with the knowledge and approval of his employer or client.

THE SCHEDULE — *continued*

(3) A professional engineer shall not, without disclosing the fact to his employer in writing, be a director of or have a substantial financial interest in, or be an agent for, any company, firm or person carrying on any business which is or may be involved in the work to which his employment relates.

(4) A professional engineer shall not accept any trade commission, discount, allowance or indirect payment or other consideration in connection with any professional engineering work in which he is engaged.

(5) A professional engineer shall not receive, directly or indirectly, any royalty, gratuity or commission in respect of any patented article or process used in or for the purpose of the work in respect of which he is acting as a professional engineer for an employer unless and until the receipt of such royalty, gratuity or commission by the professional engineer has been authorised in writing by such employer.

(6) Subject to the provisions of this Schedule, a professional engineer shall not hold, assume or intentionally accept a position in which his interest is in conflict with his professional duty to his client or employer.

(7) A professional engineer shall not disclose confidential information concerning the business affairs or technical processes of his client or employer without the consent of the client or employer.

(8) A professional engineer shall not use information which is obtained confidentially in the course of his assignment for the purpose of making personal profit.

(9) A professional engineer shall not divulge any confidential findings or studies or actions of an engineering commission or board of which he is a member without the consent of the commission or board.

(10) A professional engineer shall not give professional advice which does not fully reflect his best professional judgment.

(11) A professional engineer shall engage, or advise engaging, experts and specialists when in his opinion and judgment such services are in the interest of his client or employer.

4.—(1) A professional engineer must not supply professional engineering services in respect of any project if the professional engineer, or any nominee of his, is a partner, an officer or an employee of —

- (a) a housing developer of the project; or
- (b) an associate of a housing developer of the project.

(2) In this paragraph, an associate of a housing developer means any of the following persons:

THE SCHEDULE — *continued*

- (a) a body corporate in which the housing developer is a substantial shareholder as defined in section 81 of the Companies Act (Cap. 50);
- (b) a body corporate of which the housing developer is a director, secretary or similar executive officer;
- (c) if the housing developer is a body corporate —
 - (i) a person who is a substantial shareholder, as defined in section 81 of the Companies Act, of the body corporate; or
 - (ii) a director, secretary or similar executive officer of the body corporate;
- (d) where the housing developer is a trustee of a discretionary trust, a beneficiary or an object of the discretionary trust;
- (e) an employer of the housing developer.

[S 48/2016 wef 01/02/2016]

5. Notwithstanding the responsibility to his employer and to his profession, a professional engineer shall act with prime regard to the public interest.

6. A professional engineer shall not knowingly attempt to supplant another professional engineer, nor shall he intervene or attempt to intervene in or in connection with engineering work of any kind which to his knowledge has already been entrusted to another professional engineer.

7. If a claim by a professional engineer for remuneration of his professional services in a project is made on a developer of the project and is not satisfied, another professional engineer must not, knowingly and without reasonable grounds, accept or continue with an engagement to provide professional services to the developer of that project.

[S 48/2016 wef 01/02/2016]

8. A professional engineer shall not canvass or solicit professional employment or offer to make payment for the introduction of such employment.

9. A professional engineer shall not be the medium of any payment made on behalf of his employer unless so requested by his employer and he, in connection with any work in which he is employed, shall not place any contract or order except with the authority of or on behalf of his employer.

10. A professional engineer shall not take part in a competition involving the submission of any proposal and design for engineering work unless the assessor to whom such proposal and design is to be submitted for adjudication is a person of acknowledged engineering standing.

THE SCHEDULE — *continued*

11.—(1) A professional engineer who is engaged in the construction or in the design and construction of engineering work or in the manufacture or in the design and manufacture of articles of commerce, whether on his own account or as a technical adviser or employee or a partner or director of a firm or company so engaged, shall not prepare or submit to a client or customer or prospective client or prospective customer a design for engineering works or articles unless accompanied by an offer on behalf of himself or his firm or company to construct the work or supply the articles, and a proviso that if the design of the professional engineer, the corporation of which he is a director or partnership of which he is a member is accepted, he or the corporation or partnership shall be given the contract for the work or supply of the articles, with such variation (if any) as to design and with such arrangements as to remuneration as may be mutually agreed.

(2) A professional engineer shall not prepare or submit or offer to prepare or submit a design without informing the client or customer or prospective client or prospective customer as to the nature of his connection with the construction or manufacture of the work or articles in question.

(3) Except at the request of the client or customer, a professional engineer shall not offer, directly or indirectly, on behalf of himself or his firm or company, to design, or to design and construct, any engineering work, the design of which to his knowledge has already been entrusted to another professional engineer, who is acting as a consultant, unless with the approval of such professional engineer.

12. A professional engineer shall —

- (a) exercise due diligence to ensure that there is no contravention of or failure to comply with any written law by any person in the carrying out of any building project or works of which the professional engineer is the consultant or engineer; and
- (b) report to the appropriate authority any contravention of or failure to comply with any written law by any person in the carrying out of any building project or works of which the professional engineer is the consultant or engineer, if such contravention or failure comes to his knowledge.

PART II

1.—(1) A professional engineer shall not use the advantage of a salaried position to compete unfairly with other professional engineers.

(2) He shall not accept any professional commission from persons other than his employers to an extent prejudicial to his salaried position or detrimental to established engineering services or which would result in a conflict of interest.

THE SCHEDULE — *continued*

(3) If permitted by his employer any professional commission from persons other than his employers shall be confined to consultation on phases of engineering for which he has special qualifications not inherently available in usual engineering practice, except that he shall not establish an office for the purpose of conducting such outside activities.

(4) He shall not use the influence of a salaried position to direct clients to another professional engineer, licensed corporation or partnership or other engineering firm in which he has a financial interest.

2. A professional engineer shall not, for the purpose of obtaining any permit, licence or approval of any public authority, sign any plans or calculations which neither he nor any member of his staff under his supervision verified, checked or prepared.

LEGISLATIVE HISTORY
PROFESSIONAL ENGINEERS (CODE OF PROFESSIONAL
CONDUCT AND ETHICS) RULES
(CHAPTER 253, R 3)

This Legislative History is provided for the convenience of users of the Professional Engineers (Code of Professional Conduct and Ethics) Rules. It is not part of this Code.

1. G. N. No. S 380/1991 — Professional Engineers (Code of Professional Conduct and Ethics) Rules 1991

Date of commencement : Date not available

2. 1991 Revised Edition — Professional Engineers (Code of Professional Conduct and Ethics) Rules

Date of operation : 25 March 1992

3. G. N. No. S 234/1999 — Professional Engineers (Code of Professional Conduct and Ethics) (Amendment) Rules 1999

Date of commencement : 1 June 1999

4. G. N. No. S 671/2003 — Professional Engineers (Code of Professional Conduct and Ethics) (Amendment) Rules 2003

Date of commencement : 1 January 2004

5. G.N. No. S 48/2016 — Professional Engineers (Code of Professional Conduct and Ethics) (Amendment) Rules 2016

Date of commencement : 1 February 2016