

# THE ENGINEERS REGISTRATION (AMENDMENT) BILL, 2013

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MINISTRY OF JUSTICE AND  
CONSTITUTIONAL AFFAIRS

# LONG TITLE

- To amend the Engineers Registration Act, Cap. 271.
- To provide for mandatory registration for practicing engineers;
- To provide for replacements of the Engineers Registration Board with the Engineering Council;
- To provide for allied professionals and semi-professionals;
- To provide for a full time secretariat;
- To introduce Continuous Professional Development;
- To introduce an annual practicing license for all professionals governed by this Act.

# Section 1

- Replacing the word “board” with the word “council”
- Inserting new definitions including-
  - “Association” to mean the Uganda Association of Consulting Engineers;
  - “Council” to mean the Engineering Council established by section 2;
  - “Currency point” means the value assigned in schedule 1;
  - “Engineering professional” means an engineer, technologist or technician;
  - “Professional engineering works” means professional service, consultation, investigation, evaluation, planning, designing or responsibility for supervision of construction or operation and maintenance in connection with any public or privately owned public utilities, building, machine equipment, process works or projects that require application of engineering principles and data.
  - “Registered technologist” means a person whose name is for the time being entered in the register as a technologist;
  - “Registered technician” means a person whose name is for the time being entered in the register as a technician.

# Section 3

## functions of the council

- To regulate the engineering practice within Uganda;
- To regulate engineering programs of study through accreditation;
- To regulate training for fresh graduates through secured apprenticeship programs;
- To register engineers, technologists and technicians;
- To control activities of engineers, technologists and technicians within Uganda;
- To register firms offering engineering services.

# Section 3A

- (a) The Council may establish any committee, including an investigating committee.
- (b) If the Council does not designate a chairperson for a committee, the committee may, at its first meeting, elect a chairperson from among its members.

# Section 4

- By inserting immediately after the word “engineer, the words “technologist and technicians”

# PART S IIIA AND IIIB

- 15A. Secretariat
- The Council shall have a secretariat, which shall be headed by the Registrar.
- The Registrar shall in addition to his or her duties specified under this Act, be the secretary to the Council meetings

# Functions of the secretariat

- To implement the decisions of the Council;
- To recommend to the Council proposals for the formulation of policies of the Council and to implement policies adopted by the Council;
- To establish and maintain relationships with national, regional and international organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies, and the carrying out of the functions of the Council; and
- To perform any other function as the Council may direct.



# Section 15B

## **Appointment of the Registrar.**

- (1) The Minister shall upon recommendation by the Council appoint a registrar of the Council who may be a person holding an office of emolument in public service and who shall hold and vacate office in accordance with the terms of his or her appointment.
- (2) The Registrar shall be a person of high moral character and proven integrity, with relevant qualifications and experience in engineering disciplines.
- (3) The Registrar shall be an ex-officio and non voting member of the Council.

# 15C. Functions of the Registrar.

- The Registrar shall be the chief executive officer of the Secretariat and is responsible for the day- to- day operations and administration of the Secretariat.
- the Registrar is responsible for—
  - the implementation of the policies and programmes of the Council and reporting on them to the Council;
  - the proper management of the funds and property of the Council;
  - the organisation and control of the staff of the Council; and
  - performing any other duty that may be assigned to him or her by the Council.
- The Registrar is, in the performance of his or her functions, answerable to the Council.

# 15D. Tenure of office of the Registrar.

- The Registrar shall hold office for five years and is eligible for re-appointment for one more term.
- The Registrar shall cease to hold office if—
  - he or she resigns;
  - he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
  - he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
  - he or she is removed from office by the Council for—
    - inability to perform the functions of his or her office arising from infirmity of body or mind;
    - misbehaviour or misconduct; or
    - incompetence.

# 15E. Inspectors.

- The Council shall appoint inspectors.
- The Inspectors shall hold office upon such terms and conditions as shall be determined by the Council.
- The Inspectors shall be under the charge and direction of the registrar and responsible to the Council in performance of their functions.
- On obtaining a warrant , at any reasonable time, without prior notice, an inspector may -
  - enter any premises that the inspector has reasonable grounds to believe is used by an engineering professional, engineering unit or engineering organization contrary to the provisions of this Act or for commission of an offence and –
  - search the premises;
  - search any person on the premises if there are reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an investigation;
  - take extracts from, or make copies of any book, document or record that is on the premises and that has bearing on an investigation;
  - demand the publication of, and inspect, the relevant certificates; and
  - make such inquiries as may be necessary to ascertain whether the provisions of this Act or other law on which an investigation is based, have been complied with.

# Inspectors cont

A person who –

- delays or obstructs an inspector in the performance of the inspector's functions under this Act;
- refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising the inspector's functions; or
- gives an inspector false or misleading information in answer to an inquiry made by the inspector;
- commits an offence and is liable on conviction , to a fine not exceeding fifty currency points or to imprisonment to a term of .....

An inspector shall furnish the Council with a written report and any other information relating to an inspection.

## **15F. Other officers and staff of Council.**

- The Council may, on the advice of the Registrar, appoint other officers and staff of the Council as may be necessary for the effective performance of the functions of the Council.
- The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Council and specified in their instruments of appointment.

## **15G. Consultants.**

- The Council may engage services of consultants as and when necessary to discharge its responsibilities.

# “PART III B — FINANCE

- Funds of the council;
- Power to open and operate bank accounts;
- Investment of surplus funds
- Estimates;
- Financial year of council;
- Keeping books of accounts by registrar;
- Audit by auditor general

# Membership of the Council

- Chairperson appointed by the minister;
- Two registered engineers in service of government;
- Two registered engineers not in service of government nominated by the institution;
- one representative from the Ministry responsible for Works;
- one registered technologist who shall be nominated by the institution;
- one registered technician who shall be nominated by the institution and appointed; and
- one representative of the Association nominated by the Association;
- one representative of a registered Association (UACE / UNABCEC)
- Term of office three years eligible for appointment one more time.
- Members to be paid remuneration.



# Member to cease office

- inability to perform the functions of his or her office arising from infirmity of body or mind;
- mis-behaviour or misconduct;
- incompetence;
- absence for more than three consecutive meetings of the Council or absence from the country for more than twelve months without reasonable excuse;
- bankruptcy or insolvency;
- conviction for a criminal offence in Uganda or elsewhere in respect of which the maximum imprisonment exceeds six months without the option of a fine; or
- information relating to the conduct of the member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.”

# Categories of registration

- To include engineers, technicians and technologists.

# Qualifications for registration S.20

- A person shall be entitled, on making an application to the Council in the prescribed form and on payment to the Council of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered technologist if he or she –
  - is a holder of higher national diploma or an equivalent qualification in engineering obtained from an engineering polytechnic or college recognized for the time being by the Council as furnishing evidence of adequate academic training;
  - has had not less than two years practical experience of such a nature as to satisfy the Council as to his or her competence to practice as a registered technologist; and
  - is a member of the Institution.
- A registered person shall, as long as his or her name remains in the register, pay to the Council the prescribed annual subscription fee.

# Temporary registration s. 21

- (1) A person who has been registered under subsection (1) may apply to the Council for an extension of the registration for a period not exceeding one year or for the duration of any specific work or works, whichever is longer.
- (2) The Council may if the person continues to satisfy requirements under subsection (1), grant extensions of the registration period.
- (8) Where the application for registration under subsections (1) and (5) is denied, the applicant may appeal to the High Court.”

# Practice licence

- A person who is registered under this Act shall, if he or she intends to practice in his or her professional capacity, require, in addition to such registration, a practicing licence.
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- The person shall apply to the Council to be issued with a practicing licence in the prescribed form.
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- The duration of the licence shall be prescribed by regulations made under this Act.
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- The fee for the licence and the form of the licence shall be prescribed by regulations made under this Act.
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- The Council may refuse to issue or renew a licence of an applicant who –
  - is adjudged to be of unsound mind under the provisions of the Mental Treatment Act;
  - has not paid any fine or costs awarded against him or her under any of the provisions of this Act;
  - has not satisfied any regulations of the Council pursuant to this Act;
  - has been convicted of a crime of moral turpitude;
  - has failed, within a period of six months from the date of inquiry sent by the Registrar by prepaid registered letter to the address appearing against his name, to notify the Registrar of his or her current address;
  - has requested that his or her name be deleted from the register, in which case the applicant may be required to satisfy the Council by affidavit lodged with the Registrar that no criminal proceedings or proceedings under sections 24 and 25 are being or are likely to be taken against him or her;
  - has been found by the Council to be guilty of such misconduct as is provided for in section 24; or
  - has been declared an undischarged bankrupt or has a receiving order in bankruptcy against him or her.

# Practicing licence cont

- Every practicing licence shall bear the date on which it is issued and shall be effective from that date, and shall expire at the end of the licence period in which it is issued except where the name of a person is removed from the register.
- The licence period shall be from 1<sup>st</sup> January to the 31<sup>st</sup> December in each year.
- A person shall be deemed to practice in his or her professional capacity if he or she engages exclusively in his or her profession –
  - on his or her own account and is entitled to receive the entire amount of all fees or charges earned for his or her own financial benefit; or
  - in partnership with others and is entitled to receive a share of the profits earned by such partnership for his or her own financial benefit and is liable to bear a share of any losses incurred by such partnership; and
  - in employment of the Government or any other public or private body.

A person who is registered under this Act and is practicing as a professional shall pay annual subscription fees in addition to acquiring the practicing licence.

# PRACTICING STAMP.

- A person who is registered under this Act shall, if he or she intends to practice in his or her professional capacity, require, in addition to such registration, a practicing stamp.
- The person shall apply to the Council to be issued with a practicing stamp in the prescribed form.
- The fee for the stamp and the form of the stamp shall be prescribed by regulations made under this Act.

# PART VA — DISCIPLINE OF ENGINEERING PROFESSIONALS.

- **27B. Professional misconduct.**
- An engineering professional commits professional misconduct if he or she —
  - contravenes the provisions of this Act;
  - unlawfully discloses or uses to the advantage of the engineering professional any information acquired in the practice of the engineering professional;
  - engages in conduct that is dishonest, fraudulent or deceitful;
  - engages in any conduct that is prejudicial to the engineering profession or is likely to bring it into disrepute; or
  - breaches the Code of Ethics or encourages another engineering professional to breach or disregard the principles of the Code of Ethics.



# Discipline cont

- **27C. Initiation of disciplinary action.**
  - a complaint against an engineering professional for contravention of this Act or professional misconduct may be made by the Council or any other person.
- Upon receipt of a complaint, the Registrar shall, as soon as is practicable, refer the complaint to the committee which shall fix a date for the hearing of the complaint.
- Where in the opinion of the committee the complaint does not disclose any prima facie case of professional misconduct, the committee may, at any stage of the proceedings, dismiss the complaint without requiring the engineering professional to whom the complaint relates to answer any allegations made against him or her.

# Establishment of disciplinary committee s.27D

- There is established for the purposes of this Act a committee called the Disciplinary Committee which shall consist of —
  - a chairperson;
  - a vice chairperson;
  - a legal practitioner qualified to hold, or who has held high judicial office; and
  - four registered members who are not members of the Council.

# Discipline cont

- The chairperson and vice chairperson of the Disciplinary Committee shall be legal practitioners qualified to hold, or who have held, high judicial office.
- The members of the Disciplinary Committee shall hold office for two years and shall be eligible for reappointment for one more term.
- The Registrar shall be the secretary to the Disciplinary Committee, but will have no voting rights.

# Functions of the Disciplinary Committee.

- to hear and determine –
- any disciplinary action initiated by the Council or any entity against an engineering professional;
- any complaint or allegation made by a person against an engineering professional and,
- any complaint or allegation made by a person against a non-engineering professional.,
  
- The Disciplinary Committee may publicise, as it may consider appropriate, the facts relating to any engineering professional that is found guilty of, and punished for, professional misconduct.
  
- **27F. Proceedings of the Disciplinary Committee.**
  - The quorum of the Disciplinary Committee shall be five (5) members.
- - All proceedings of the Disciplinary Committee shall be in camera.

# Functions cont.

- The Disciplinary Committee shall cause to be kept a record of its proceedings.
- Any person appearing as a party before the Disciplinary Committee may be represented by an advocate.
- The Disciplinary Committee may make rules of procedure governing its procedure and the making to the committee of applications or complaints under this Act.
- A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy thereof shall be supplied to each party to the proceedings and to every person affected by the decision.
- Persons with interest to disclose at commencement of meeting.
- A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

# Powers of the Disciplinary Committee

- to interview and correspond with any person, including the engineering professional to whom the complaint relates, as it thinks fit.
- for the purposes of any application or complaint made to it under any of the provisions of this Act –
  - summon witnesses to give evidence; and
  - require the production of any book, record, document, electronic record or anything required for the purposes of the proceeding;
- hear and receive evidence; and
- administer oaths or affirmations on the complainant, engineering professional to whom a complaint relates or any witness.
- If any person upon whom a summons issued under subsection (2) has been served and without sufficient cause –
  - refuses, fails or omits to attend at the time and place mentioned in the summons or having attended leaves without the permission of the Disciplinary Committee;
  - having attended refuses to be sworn or to affirm;
  - refuses to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her by or with the concurrence of the Disciplinary Committee; or
  - refuses to produce any book, record, document or thing in his or her possession or under his or her control which are mentioned in the summons,
- he or she commits an offence and is liable on conviction to a fine not exceeding fifteen (15) currency points.

# Disciplinary committee cont.

- if it is of the opinion that a case of professional misconduct on the part of the engineering professional has been made out and that he or she is guilty of professional misconduct, the committee may order that the —
  - engineering professional be cautioned or admonished;
  - engineering professional be suspended for a specified period not exceeding two years;
  - certificate and licence of the engineering professional be cancelled;
  - engineering professional pays a fine not exceeding two hundred and fifty currency points; or
  - engineering professional pays to any person who has suffered loss as a result of his or her misconduct of the engineering professional, such sum as in the opinion of the committee is just, having regard to the loss suffered by the aggrieved party.
- The Disciplinary Committee may make any such order as to payment by any party of any costs or witness expenses and of the expenses of the committee in connection with the hearing of any complaint as it may think fit.

# Powers cont.

- The Disciplinary Committee may issue a warrant for the levy of the amount of any sum ordered to be paid by virtue of this section on the immovable and movable property of the engineering professional by distress and sale under warrant, and the warrant shall be enforced as if it were a warrant issued by the High Court.
- The Disciplinary Committee may order any engineering professional against whom a case of professional misconduct has been made out to restore any property in his or her possession or under his or her control to the person appearing to the committee to be entitled to the property.
- Any order made by the Disciplinary Committee under the provisions of this section relating to the payment of compensation, costs or expenses, or to the restoration of property, shall be drawn up by the committee and shall thereupon be executable as if it were a decree of the High Court.



# Continuing professional Development

- Every person registered under this Act shall be subjected to the requirement of undertaking Continuous Professional Development provided in the Schedule 3 to this Act.
- A person who fails to demonstrate the Continuous Professional Development may have his or her name removed from the register by the Council.”

# Schedules

- Schedule 1 - Currency point;
- Schedule 2 – Professional code of ethics;
- Schedule 3 – Continuing Professional development;
- Schedule 4 – Meetings of the Board.