

BOARD OF ENGINEERING OF TRINIDAD & TOBAGO

REVISED REGISTRATION LAW

1. Citation

This Act may be cited as the Engineering Profession Act, 2014.

2. Interpretation

In this Act -

'Act' means the Engineering Profession Act as cited above;

'Association of Professional Engineers' means the body incorporated by the Association of Professional Engineers of Trinidad and Tobago Incorporation Ordinance No. 31, 1961.

'Board' means the Board of Engineering established under Section 4;

'Certificate' means a certificate granted under Section 26;

'Engineer' means a person who through specialized education, training and experience is skilled in the principles and practice of Engineering;

'Engineering' means the performance of and/or the assumption of responsibilities for any professional service or research and development work requiring Engineering education, training and experience, and the application of special knowledge of the mathematical, physical and Engineering sciences to such professional services or research and development work as consultation, investigation, planning, design, inspection and supervision of construction and fabrication for the purpose of assuring compliance with specification and design, execution of responsible maintenance and operational functions, in connection with the utilization of the forces, energies and materials of nature in the development, production and functioning of any of the works or operations or other matters set out in the First Schedule.

'Minister' means the Minister of Government responsible for Engineering matters;

'Register' means the Register of Engineers required to be kept by the Registrar in accordance with Section 22;

'Registered Engineer' means a person who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of Engineering research, analysis, design, construction and maintenance management customarily acquired by a prolonged course of specialized intellectual instruction, study and practical experience, is qualified to engage in the practice of Engineering at the Engineer level as attested by a certificate of registration as an Engineer under this Act;

3. Prohibitions

1. No person who is not Registered under the Act shall -
 - (a) carry on the practice of Engineering
 - (b) take or use the description 'Registered Engineer' either along or in conjunction with any other words or initials in such manner as to imply acceptability to carry on the practice of Engineering
 - (c) use the word 'Engineering' in describing services provided in such a manner as to suggest registration under this Act
 - (d) take or use any designation, title, name, initials or description indicating or implying registration to carry on the practice of Engineering
 - (e) advertise in such a manner as to suggest registration under this Act
 - (f) sign or stamp any plans, drawings, designs or specifications purporting to be acting in the capacity of such Registered Engineer.
2. A person shall be deemed to carry on the practice of Engineering in any branch or category if, by verbal claim, sign, advertisement, letter-head, business card or in any other way, purports to be Registered or, through the use of some other title, implies registration under this Act or holds himself out as being able to perform or actually performs any Engineering service or work.

4. Establishment of the Board

There shall be established as a corporate body a Board of Engineering appointed by the Minister.

5. Functions of the Board

The functions of the Board are -

- (a) to assess the qualifications and experience of persons applying for registration;
- (b) to conduct examinations of persons applying for registration;
- (c) to register Engineers and issue certificates of registration;
- (d) to monitor adherence to and investigate breaches of the Code of Ethics
- (e) to exercise disciplinary control over Registered Engineers
- (f) to advise the Minister on such amendments to this Act as it considers desirable; and
- (g) generally to regulate the practice of Engineering in accordance with the Act.

6. Constitution of the Board

1. The Board shall consist of:-
 - (a) four Registered Engineers nominated by and holding membership in the Association of Professional Engineers of Trinidad and Tobago. If the Association is unable or unwilling to make the nominations after three months of being so requested, the Minister shall appoint four Registered Engineers who are qualified for membership in the Association.
 - (b) a public officer who is Registered as a Registered Engineer
 - (c) two persons appointed to represent the public interest
2. A Chairperson who shall be a Registered Engineer shall be appointed by the Board from among its members.
3. Only citizens of or persons who are ordinarily resident in Trinidad and Tobago shall be eligible to be appointed to the Board.
4. A Registered Engineer appointed to the Board under this clause shall have been engaged in the practice of Engineering for at least eight years.

7. Term of Office

A person appointed to the Board holds office for a term of three years or until his replacement has been appointed but is eligible for reappointment for a maximum of two further consecutive terms.

8. Resignation

1. A member of the Board other than the Chairperson may at any time resign office by instrument in writing addressed to the Minister and transmitted through the Chairperson.
2. The Chairperson may at any time resign office by instrument in writing addressed to the Minister.

9. Vacancies

Where a vacancy occurs in the membership of the Board, such vacancy may be filled by the Minister on the same basis on which the appointment becoming vacant was made and the new member shall hold office for the remainder of the period of the predecessor's appointment.

10. Meetings

1. The Board shall hold such meetings at such times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than four times in each calendar year.

10. **Meetings – cont'd.**

2. Ten days notice in writing of every meeting of the Board shall be given to each member of the Board.
3. A quorum of any meeting of the Board shall be four members but in other respects the Board may regulate its own procedures.

11. **Committees**

1. The Board, in consultation with the Association of Professional Engineers, may appoint such committees or persons as it may think fit and may delegate to any such committees or persons the power and authority to carry out on its behalf such duties as the Board may determine, so, however, that no such committee shall have the power to make rules.
2. The Board may establish committees to assist in the exercise of its functions and shall establish an Accreditation Committee and an Assessment Committee.
3. Members of the committees need not be members of the Board, but such committee members shall be Registered Engineers as well as members of the Association of Professional Engineers.

12. **Accreditation**

1. The functions of the Accreditation Committee are to assess and keep under review the academic qualifications for registration as a Registered Engineer and to scrutinize, examine and investigate the academic qualifications of individual applicants for registration as Registered Engineers, and accordingly make recommendations to the Board.
2. The Accreditation Committee shall assist the Board –
 - (a) in the preparation and conduct of such examinations as the Board deems necessary;
 - (b) in the preparation of the list of qualifications and institutions required by section 16 to be published for public scrutiny.

13. **Assessment**

The functions of the Assessment Committee are to review the Engineering work done by applicants seeking to qualify for registration and to make recommendations in this regard to the Board.

14. **Secretary and Officers**

The Board may appoint a secretary and such other officers and servants as they may deem necessary for the purpose of carrying out its functions under this Act.

15. **Remuneration**

There shall be paid from the funds of the Board to members of the Board, the Registrar, other officers and committee members, such remuneration whether by way of honorarium or stipend and such allowances as the Board may determine.

16. **Indemnity**

No personal liability shall attach to any Member of the Board for –

- (a) any act or omission of the Board, or
- (b) anything done, permitted to be done or omitted in good faith in the course of the operations of the Board under this Act.

17. **Registrar**

The Board shall appoint a Registered Engineer to perform the functions of Registrar.

18. **Functions of the Registrar**

1. The Registrar shall keep a register of Registered Engineers and authorized organizations and shall cause to be entered the name of every person entitled to be Registered together with the following particulars in respect of each person:-
 - (a) full name and address
 - (b) the date of registration
 - (c) a description and date of the Engineering qualifications acceptable to the Board
 - (d) The Engineering discipline(s) which the Engineer is authorized to practice under the Act.
2. The Register shall at all reasonable times be open to inspection at the office of the Registrar.
3. The Registrar shall publish at least once in every year in the Gazette, the list of persons included in the register and a list of those persons whose certificates of registration have been suspended or cancelled.
4. The Registrar shall -
 - (a) make alterations in the register of the names and addresses of persons Registered under this Act when necessary; and
 - (b) remove therefrom the names of all persons Registered under this Act who are deceased or no longer qualified to practice Engineering.
5. A copy of the Gazette listing the information required to be published in subsection 3 is admissible in any proceedings, as evidence that a person is or is not Registered as a Registered Engineer or whose certificate of registration has been suspended or cancelled.

19. Application for Registration

1. Every application for registration under this Act shall be in the prescribed form signed by the applicant and delivered to the Registrar and shall set out the grounds on which and the category in which the applicant claims to be entitled to registration.
2. The Board may require such evidence of identity or such verification of any matter alleged by the applicant or such further information relating to the application as it thinks requisite.
3. Every application under this section shall be accompanied by the prescribed fee.

20. Registration of Persons

1. If the Board is satisfied in relation to any application for registration that -
 - (a) the provisions of Section 19 have been complied with; and
 - (b) the applicant is qualified for registration under the provisions of this Section and Section 21;

the Board shall register the applicant as a Registered Engineer in such category as the Board thinks appropriate and shall notify the applicant in writing accordingly and shall direct the Registrar to issue in the prescribed form a certificate of registration and a seal, upon payment of the prescribed fee.

2. For the purposes of registration under this Act, the Board may require any applicant to submit to such examination (oral or written) as the Board thinks necessary to determine competence as a Registered Engineer.
3. If the Board is not satisfied as to the eligibility of the applicant to be Registered under this Act in the category applied for, it shall refuse to register the applicant and shall notify him in writing accordingly and shall inform him of the right of appeal conferred by Section 21.
4. Every person Registered as an Engineer under this Act shall be entitled to carry on the practice of Engineering in the Registered category in Trinidad and Tobago, to use the title 'Registered Engineer' and the abbreviation R.Eng., and to demand and recover reasonable remuneration for services rendered.
5. Where the Board refuses an application for registration as a Registered Engineer, it shall provide reasons for such refusal.

21. Qualifications for Registration of Persons

1. A person who is Registered in another Caricom territory where the academic and experience criteria for registration are effectively the same and meets the Board's requirements as required under this Act, may upon application be entitled to be included in the Register on payment of the annual practice fee.
2. A person is entitled to be Registered as a Registered Engineer under this Act if on application made to the Board, he/she satisfies the Board that -
 - (a) he/she is qualified to be Registered as a Registered Engineer;
 - (b) he/she is a fit and proper person to practice as a Registered Engineer
 - (c) he/she has been awarded a degree, diploma or other qualification in Engineering granted by a University, School of Engineering or other Institution that, in the opinion of the Board, is evidence of satisfactory training in Engineering; and
 - (d) he/she has had not less than four years of appropriate experience in the practice of Engineering and has acquired such standard of proficiency as may be approved by the Board
3. In determining the acceptability of the qualifications of a person applying for registration, the Board may conduct special investigations as it considers necessary and may require that person to undergo written and/or oral examinations.
4. A person who holds membership at the grade of Member or Fellow in the Association of Professional Engineers of T&T at the date of commencement of this Act and who continues to hold such membership at the time of application for registration is entitled as of right to be Registered as a Registered Engineer.
5. In order to maintain registration, each Registered Engineer is required to continuously update and refine their knowledge and skills. A Continuing Professional Development Committee, managed jointly by the Board and the Association of Professional Engineers, shall be responsible for certification which Registered Engineers are to undertake and to present to the Board on a biennial basis to satisfy minimum requirements to be set by the Board.

22. Register of Registered Engineers

The Board shall cause to be kept a register of Registered Engineers and organizations to be known as the Register of Registered Engineers in which shall be entered the name of the applicant, accepted category of practice and such other particulars as may be prescribed, on completion of the registration process.

23. Annual Fee

A Registered Engineer shall pay such annual practice fee to the Board as may be prescribed.

24. **Other Fees**

A Registered Engineer shall on payment to the Board of the prescribed fee have endorsed on the register and the certificate of registration any further registrable qualifications acquired subsequent to registration. The Board shall establish fees for any special services rendered to Registered Engineers in the management of its control of the Engineering profession.

25. **Stamp**

1. Every person Registered under this Act shall have a stamp provided by the Board, the impression of which shall contain the name of the Engineer and his assigned registration number.
2. All final drawings, specifications, plans, reports and other documents involving the practice of Engineering when issued shall bear the signature and seal of the Registered Engineer who prepared or approved them.

26. **Certificate of Registration**

Where the requirements for registration have been satisfied, the Board shall, upon receipt of the prescribed fee from the applicant enter the name of the applicant in the register and issue to him a Certificate of Registration.

27. **Improperly Obtained Registration**

1. The Board may, if it considers that a person Registered as an Engineer has improperly obtained such registration, require that person to apply and be properly Registered under this Act
2. If for a period of three months a person who has improperly obtained registration under this Act fails without reasonable excuse to apply to be properly Registered, the Board may cause the name of that person to be struck off the Register.

28. **Code of Ethics**

1. A Registered Engineer shall conform to the Code of Ethics for Registered Engineers set out in the Schedule
2. A Registered Engineer who breaches any provision of the Code of Ethics is liable to disciplinary action by the Board
3. The Code of Ethics may be amended by Order of the Board.

29. **Disciplinary Committee**

1. There shall be a Disciplinary Committee of the Board composed of three or more Registered Engineers not being members of the Board who shall be appointed by the Board.
2. A Disciplinary Committee shall investigate and report to the Board on any allegation of misconduct or breach of the Code of Ethics by any Registered Engineer as to whether there are grounds for disciplinary proceedings being brought against such Registered Engineer.
3. On receipt of such report from the Disciplinary Committee the Board shall decide whether or not disciplinary proceedings shall be brought and if such proceedings are brought shall furnish a copy of such report to the Registered Engineer against whom they are brought.
4. The report of the Disciplinary Committee may be used in such proceedings but the Board shall not be restricted to evidence mentioned or referred to in such report.

30. Appeals Tribunal

There shall be established an Appeals Tribunal appointed by the Board and consisting of three Registered Engineers of no less than ten years experience, not being members of the Board, which Tribunal shall hear all appeals against the refusal of the Board to register an applicant as a Registered Engineer or authorized organization. The Appeals tribunal shall make recommendations to the Board. Should there be any potential conflict of interest with any member of the Appeal Tribunal on a particular matter under review, such member shall so notify the Board and the Board shall appoint a suitable replacement.

31. Redress for Rejected Applicants

1. An applicant aggrieved by the refusal of the Board to register him under this Act may -

- (a) within three months of such refusal appeal to the Appeals Tribunal;
- or

32. Redress for Rejected Applicants – cont'd.

- (b) where he is of the view that there are additional facts or that fresh circumstances have arisen which warrant the reconsideration of the Board of this application for registration, reapply to the Board for such reconsideration no sooner than twelve months from the date of such refusal.

2. A person or organization who appeals under sub-section (1) is entitled to be represented at the hearing by a legal advisor.

33. Offences and Penalties

1. No person or organization shall-

- (a) fraudulently procure or attempt to procure the registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation, statement or declaration, either orally or in writing;
- (b) fraudulently make, cause or permit to be made-
 - (i) any false or incorrect entry or copy of an entry in the Register;
 - (ii) any alteration in any entry or copy of any entry in the Register

2. A person or organization who contravenes the provisions of this Section or Section 3 is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment not exceeding six (6) months or to both such fine and imprisonment.

34. Consent of Director of Public Prosecutions

The consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are brought under this Act.

35. Regulations

The Minister after consultation with the Board and subject to negative resolution of Parliament may make regulations for carrying out of the functions of the Board including provisions for-

- (a) the registration of Registered Engineers and authorized organizations and the issue of Certificate and seals;
- (b) the contents of the register including the classes of Engineering discipline in which an Engineer or organization may be qualified and in respect of which the name shall be entered in the register;
- (c) the disciplining of Registered Engineers or authorized organizations;
- (d) the review, payment and collection of fees;
- (e) the conduct of examinations; and
- (f) the prescribing of anything required by this Act to be prescribed.

FIRST SCHEDULE

ENGINEERING OPERATIONS

- (a) public utilities
- (b) industrial works, harbour works, drainage works, irrigation works, sewerage works and sewerage disposal works and hydraulic works;
- (c) industrial processes;
- (d) railways, tramways, bridges, tunnels, roads, highways, canals and river improvements;
- (e) lighthouses, wet docks, dry docks and floating docks;
- (f) cranes, dredges, hoists, lifts and winches;
- (g) waterworks, water purifications plants;
- (h) incinerators
- (i) power transmission systems, electric lighting and electrical or electronic communications systems and equipment;
- (j) any electrical apparatus or machinery
- (k) electronics
- (l) mineral property mining development or mining operations of any kind;
- (m) smelters, refineries, metallurgical machinery or equipment or apparatus for carrying out such operation;
- (n) boilers and their auxiliaries
- (o) steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures;
- (p) chemical reactors, storage and transportation equipment and infrastructure;
- (q) airports;
- (r) all ships of more than fifty tons gross, classified or unclassified, their propulsion unit and safety of life at sea equipment;
- (s) garages, hotels, any industrial building to be used for any industrial purpose;
- (t) public buildings and places used for or offered for use as places for public assembly;
- (u) commercial, domestic and other buildings which are more than two floors high or are greater than three hundred square metres in area;
- (v) generally all other Engineering works including the Engineering works and installation relating to airports, airfields or landing strips or relating to town and community planning.
- (w) hydrocarbon exploration, development and production activities and facilities

CODE OF ETHICS

Article 1. A Registered Engineer owes a duty to the public, to his employers and clients, to other members of his profession and to himself and shall act at all times with-

- (a) fidelity to public needs;
- (b) fairness and loyalty to his associates, employers, clients, subordinates and employees; and
- (c) devotion to high ideals of personal honour and professional integrity

THE PUBLIC

Article 2. A Registered Engineer-

- (a) shall express any opinion on Engineering matters only on the basis of adequate knowledge and honest conviction;
- (b) shall ensure, to the best of his ability, that the statements on Engineering matters attributed to him are not misleading and properly reflect his professional opinion; and
- (c) shall not express publicly or while he is serving as a witness before a court, commission or other tribunal, opinions on professional Engineering matters that are not founded on adequate knowledge and honest conviction.

Article 3. A Registered Engineer-

- (a) shall have proper regard for the safety, health and welfare of the public in the performance of his professional duties;
- (b) shall notify the proper authorities of any situation which he considers, on the basis of his professional knowledge, to be a danger to public safety or health; and
- (c) shall complete, sign or stamp only those plans or specifications which reflect proper regard for the safety and health of the public.

THE PUBLIC – CONT'D.

Article 4. A Registered Engineer-

- (a) shall endeavour to extend public understanding of Engineering and its place in society;
- (b) shall endeavour at all times to enhance the public regard for, and its understanding of, his profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional Engineering; and
- (c) shall not give opinions or make statements on professional Engineering projects connected with public policy where such statements are inspired or paid for by private interests unless he clearly discloses on whose behalf he is giving the opinions or making the statements.

Article 5. A Registered Engineer-

- (a) shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity, or persons who do not conform to the basic principles of the Code of Ethics;
- (b) shall conform to the provisions of this Act in his practice of Engineering;
- (c) shall not sanction the publication of his reports in part or in whole in a manner calculated to mislead and if it comes to his knowledge that they are so published, he shall take immediate steps to correct any false impressions given by them.

Article 6. A Registered Engineer shall sign or stamp only those plans, specifications and reports actually prepared by him or under his direct professional supervision.

THE EMPLOYER AND CLIENT

Article 7. A Registered Engineer-

- (a) shall act for his client or employer as a faithful agent;
- (b) shall be realistic and honest in all estimates, reports, statements and testimony;
- (c) shall admit and accept his own errors when proven obviously wrong and refrain from distorting or altering the facts in an attempt to justify his decision;
- (d) shall so advise his client or employer when he believes that a project will not be successful;
- (e) shall not accept outside employment to the detriment of his regular work or interest, or without the consent of his employer;
- (f) shall not attempt to attract an Engineer from another employer by unfair methods; and
- (g) shall engage, or advise on engaging, experts and specialists when such services are in his client's or employer's best interests.

Article 8. A Registered Engineer-

- (a) shall not disclose confidential information pertaining to the interests of his clients or employers without their consent;
- (b) shall not use information coming to him confidentially in the course of his assignment as a means of making personal gain except with the knowledge and consent of his client or employer as the case may be; and
- (c) shall not divulge any confidential findings resulting from studies or actions of any commission or board of which he is a member or for which he is acting without the consent of the commission or board.

Article 9. A Registered Engineer shall present clearly to his clients or employers the consequences to be expected if his professional judgment is overruled by non-technical persons or bodies in matters pertaining to work for which he is professionally responsible.

THE EMPLOYER AND CLIENT – CONT'D.

Article 10. A Registered Engineer-

- (a) whose interest is likely to be affected whether directly or indirectly by any decision of his client or employer on any matter whatsoever shall in writing disclose to his client or employer the nature of his interest immediately after the relevant facts have come to his knowledge;
- (b) shall be treated as having an indirect interest in a matter with which his client or employer is concerned if he or his spouse is a director, shareholder, partner or employee of a person who is a party to any contract or proposed contract with his client or employer or has a pecuniary interest in any other matter with which his client or employer is concerned;
- (c) shall, when functioning as a member, advisor or employee of a public authority, a State enterprise or a government body or department, make prior full disclosure with respect to services provided by him or his organization in private Engineering practice and shall decline to participate in any considerations or actions where a conflict of interests is likely to arise.

Article 11. A Registered Engineer-

- (a) shall not accept remuneration for services rendered other than from his client or employer;
- (b) shall not accept compensation from more than one interested party for the same service or for services pertaining to the same work, under circumstances that may involve a conflict of interest, without the consent of all interested parties;
- (c) shall not accept any royalty or commission on any article or process used on the work for which he is responsible without the consent of his client or employer;
- (d) shall not, where he is acting in a consulting or any other capacity in respect of works, tender for work in any other capacity in respect of such works without the consent of his client or employer.

OTHER MEMBERS OF THE PROFESSION

Article 12. A Registered Engineer-

- (a) shall conduct himself towards other Registered Engineers with courtesy, fairness and good faith;
- (b) shall not review the work of another Registered Engineer for the same employer or client except with the knowledge of such Engineer, unless such Engineer's engagement on the work has been terminated;
- (c) shall not maliciously injure the reputation or business of another Registered Engineer.

Article 13. A Registered Engineer-

- (a) shall not compete unfairly by attempting to obtain employment, advancement or professional engagements by unfair bidding, that is to say by taking advantage of a salaried position, or by unfairly criticizing other Registered Engineers;
- (b) shall not attempt to supplant another Registered Engineer in a particular employment after becoming aware that definite steps have been taken towards the other's employment;
- (c) shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure professional Engineering work;
- (d) shall not use equipment, supplies, laboratory or office facilities of his employer to carry on outside private practice without consent.

MISCELLANEOUS

Article 14. A Registered Engineer-

- (a) shall undertake only such work as he is competent to perform by virtue of his training and experience; and
- (b) shall not misrepresent his qualifications.

Article 15. A Registered Engineer-

- (a) shall not advertise his work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession; and
- (b) may employ circumspect advertising to announce his practice and availability. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another Registered Engineer, either specifically or by implication.

Article 16. A Registered Engineer-

- (a) shall advise the Board of any practice which is contrary to the Code of Ethics and which has come to his attention;
- (b) shall assist and co-operate with the Board and the Disciplinary Committee with respect to disciplinary enquiries and proceedings under this Act to the best of his ability.