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SPECIFIC LEGISLATIVE SENTENCES

ENGINEERING PROFESSION BILL, 1998

Section 13(3): The Board, after consultations with the Minister, may, by an Order, amend the Code of Ethics and Practice for Engineers.

Section 13(4): The Registrar shall, as soon as practicable after the Board issues an Order under Subsection (3), publish that Order in the Gazette.

PART II

Section 18(1): Subject to Subsection (2), a person shall not practice or hold himself out, whether directly or by implication, as an engineer unless he is registered under this Act.

Section 18(2): A person shall not practice as an engineer unless he is registered under this Act, on the expiration of six months after the commencement of this Act.

Section 19(1): An engineer in responsible charge of an engineering project shall be registered under this Act.

Section 19(2): An engineer in responsible charge of an engineering project shall give regular and effective supervision to persons performing services which directly and materially affect the quality of the project.

Section 19(3): An engineer in responsible charge shall keep and maintain a book, ledger or other record to establish that he has given regular and effective supervision to an engineering project.

Section 19(4): An engineer in responsible charge has failed to give regular an effective supervision to an engineering project if he –
(e) preventing a person, who is duly certified under the Steam Boilers Regulations Act, from examining boilers.

(f) preventing a person from performing his duties....

(g) Preventing a person, who meets the requirements for registration set out in the Fourth Schedule, but who is not resident in and has no established place of business in Guyana, from practicing as an engineer, provided that such practice does not exceed, in the aggregate, thirty consecutive days in any calendar year.
PART III

PRACTICE OF ENGINEERING BY ORGANISATIONS

Practice of engineering by unauthorised organisations

21. (1) Subject to subsection (2) an organisation shall not practice or hold itself as practising engineering unless it is authorised under this Act.

(2) Notwithstandong subsection (1) and, on the expiration of six months after the commencement of this Act, an organisation may not practice engineering unless it is authorised under this Act.

Requirements for authorisation

22. An organisation practicing engineering may satisfy the Board that -

(a) one of its principal functions is engineering practise in a particular engineering discipline.

(b) at least one member or full-time employee in responsible charge is a registered engineer under this Act.

Application for certificate of authorisation

23. Pursuant to section 22, an organisation applying for a certificate may state the following -

(a) the name and address of the organisation and information about its legal status;
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<th>Consideration of application for authorisation</th>
<th>24. (1) The Board may investigate the correctness of the information contained in an application.</th>
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<td>(2) The Board shall consider the application and render a decision.</td>
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<td>Issue of certificate of authorisation</td>
<td>25. If the Board approves an application by an organisation, the Board may issue to the organisation, on payment of the prescribed fee, a certificate of authorisation in Form 6 in the Third Schedule.</td>
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<td>Third Schedule Form 6</td>
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<td>Entry in Register of authorised organisations</td>
<td>26. The Registrar may enter the name of an organisation with a certificate of authorisation in the Register, separate from that for engineers.</td>
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<td>Validity of certificate of authorisation</td>
<td>27. Subject to the conditions imposed by the Board, the holder of a certificate of authorisation may</td>
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28. Pursuant to section 23, and with thirty days of the change, an organisation shall inform the Registrar of changes made to paragraphs (a) and (b); and may not make changes to paragraph (c) without the approval of the Board.
6. (1) The Board shall, on such terms and conditions as it thinks fit and other staff appoint a Registrar of Engineers and such other staff as it deems necessary.

(2) Pursuant to the powers conferred by subsection (1), the Board may appoint an engineer to perform the functions of Registrar.

7. (1) The Registrar shall keep a register in the form set out in Form 1 in the Third Schedule known as the Register of Engineers in which the Registrar shall enter, in respect of every person whose registration is approved, the following:

(a) his name, residential address and business address;
(b) the date of the registration;
(c) a description of and the date on which the qualification entitling him to be registered was obtained;
(d) the engineering discipline which he is authorised to practise under the Act;
(e) such other details as may be prescribed by the Board.

(2) The Registrar shall at all reasonable times allow the inspection of the Register at the office of the Board, by an engineer or any other person.
(3) The Board shall direct the Registrar to make such alterations in the register as are necessary, and to remove from the register the name of an engineer who is deceased or is no longer qualified to practise engineering in Guyana.

(4) Notwithstanding the provisions of subsection (3), the Board may at any time direct the Registrar to restore to the register the name of an engineer, provided that that engineer satisfies the requirements for registration and pays the prescribed fee.

(5) For the purposes of this Act, a person whose name is not entered in the register shall not be deemed a registered engineer unless such person can prove the contrary.

Requirements 8. (1) A person shall not be registered as an engineer unless he satisfies the Board that he-

registration. (a) can write and speak English to a standard approved by the Board;

Fourth Schedule (b) is of good character;

(b) satisfies the requirements set out in the Fourth Schedule.

Third Schedule (2) A person who wishes to be registered as an engineer under this Act shall submit to the Board a sworn declaration in Form 2 in the Third Schedule.

Form 2 together with the particulars specified in subsection (3).

(3) An applicant for registration shall furnish to the Registrar-

(a) evidence of his qualification;
(b) proof of identity;

(c) such further information as the Board may require in respect of the matters specified in subsection (1).

Third Schedule

(4) Where the Board approves an application, the Registrar shall register the engineer, on payment of the prescribed fee, in the register of engineers and issue to the applicant a certificate of registration in Form 3 of the Third Schedule.

(5) On receipt of the certificate of registration, the Applicant shall display this certificate prominently at his place of business.

(6) The Board may require a person who applies for registration as an engineer under this Act, and who fails to fulfil the requirements of subsection 1 (a) and (c), to submit to an examination as the Board considers necessary.

Consideration 9. (1) The Board shall have the power to investigate the correctness of the information contained in an application.

(2) The Board shall, as soon as practicable after receipt of the application, consider it and render a decision thereon. Where the Board rejects an application for registration, it shall so inform the Applicant stating the reasons for its rejection.

Annual Registration 10. (1) The Registrar shall keep a register in accordance with Form 4 in the Third Schedule known as the Annual Register of Engineers, and enter the names and other particulars of all engineers entitled to practise engineering in each year.
Third Schedule

(2) An engineer who desires to practise in Guyana shall in each year register his name in the Annual Register of Engineers and obtain, on payment of the prescribed fee, a licence in Form 5 in the Third Schedule from the Registrar.

(3) An engineer whose name is already entered in the Annual Register of Engineers shall, in each year, renew his licence on payment of the prescribed fee.

(4) An engineer who practises without an annual licence shall be guilty of an offence punishable on summary conviction of a fine of ten thousand dollars and a further fine of five hundred dollars for each day he so practises.

Additional 11. (1) Where an engineer obtains a qualification approved by the qualifications Board which is higher than or additional to that in respect of which he is registered, the Board shall direct the Registrar, without the payment of a fee, to enter in the register that higher or additional qualification, in substitution for, or in addition to, the qualification in respect of which he is registered.

Publication of list of engineers

12. (1) The Registrar shall publish in the Gazette in every quarter of each year, an alphabetical list of the names of persons who are registered under section 7.

(2) A list published in the Gazette is sufficient evidence of the registration and qualifications of a person named therein.
4. (1) The Minister shall establish a Board of Engineering which shall hold the legal personality of a body corporate.

(2) The Minister shall appoint the members of the Board in accordance with the provisions of the Fifth Schedule.

(3) The procedure of the Board shall be regulated by the Second Schedule.

5. The functions of the Board include-

(a) assessing the qualifications and experience of persons applying for registration;
(b) conducting examinations for persons applying for registration;
(c) registering engineers and issuing certificates of registration;
(d) monitoring compliance and investigating breaches of the Code of Ethics and Practice;
(e) exercising disciplinary control over engineers;
(f) publishing for public scrutiny in the Gazette a list of Universities and Schools of Engineering whose degrees in
Engineering are recognised by the Board, in a format decided by the Board;

(g) advising the Minister on amendments to this Act relating to engineering services in Guyana and the performance of those services by engineers;

(h) regulating the practice of engineering in accordance with the Act.

6. (1) The Board may cancel or suspend the registration of a person or reprimand a person if he has been found guilty of a breach of the Code of Ethics and Practice Engineers

(2) The Board may cancel or suspend for any period, the registration of an engineer, if a court of competent jurisdiction or a body constituted under this Act to decide on the matter, discovered him-

(a) a convicted felon;
(b) guilty of gross incompetence in his practice;
(c) guilty of fraud or deceit in obtaining registration;
(d) violating a provision of this Act;
(e) aiding or abetting any person in the violation of a provision of this Act;
(f) declared insane.

(3) The Board shall publish the name of an engineer whose registration is cancelled or suspended as soon as practicable after cancellation or suspension in the Gazette.
7. (1) The Board may reinstate the registration of a person whose registration has been cancelled or suspended.

(2) A person whose registration has been cancelled or suspended shall not be eligible to be reregistered unless six months expired after cancellation or suspension.

8. (1) A person aggrieved by the conduct of an Engineer which may constitute grounds for cancellation or suspension of Registration or reprimand may submit to the Board the complaint setting out the alleged facts and arguments in support in writing.

(2) (i) The Board shall appoint a Disciplinary Committee comprised of three or more engineers who shall adjudicate upon alleged breaches of the Code of Ethics and Practice.

(ii) The Disciplinary Committee may make recommendations to the Board it considers appropriate if an allegation holds merit.

(iii) The Board may determine the constitution, and procedure of the Disciplinary Committee.

(3) (1) The Board shall ensure that an allegation which would constitute grounds for cancellation or suspension of registration, or reprimand is-
(a) thoroughly investigated;

(b) if serious, referred to the Disciplinary Committee for adjudication.

(2) The Board shall inform the engineer of the allegation made against him and afford him the opportunity of being heard orally and in writing.

(4) The Board shall notify its decision to all engineers, members of the Guyana Association of Professional Engineers and any other person it considers appropriate.

9. The Board shall not cancel or suspend the registration of an engineer unless the recommendations of the Disciplinary Committee are considered and at not less than four of its members are present at that meeting.

10. (1) The Board may order an engineer who has been found to be in violation of the Code of Ethics and practice to pay costs in relation to any hearing before the Disciplinary Committee.

(2) The Board may enforce an order as to costs by initiating proceedings in Court.