

CHAPTER 271

THE ENGINEERS REGISTRATION ACT.

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CHAPTER 271

THE ENGINEERS REGISTRATION ACT.

Commencement: 1 December, 1969.

An Act to provide for the establishment of an Engineers Registration Board, to define its powers and functions and to provide for the registration of engineers and matters connected therewith or incidental thereto.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “board” means the Engineers Registration Board established under section 2;
- (b) “chairperson” means the chairperson of the Engineers Registration Board appointed under section 6;
- (c) “institution” means the Uganda Institution of Professional Engineers;
- (d) “member” means a member of the Engineers Registration Board;
- (e) “ordinarily resident” means resident in the country for more than six months of each year for five consecutive years;
- (f) “register” means the register kept under section 17;
- (g) “registered engineer” means a person whose name is for the time being entered in the register;
- (h) “registrar” means the registrar of the Engineers Registration Board appointed under section 16;
- (i) “vice chairperson” means the vice chairperson of the Engineers Registration Board elected under section 7.

PART II—ENGINEERS REGISTRATION BOARD.

2. Establishment of the Engineers Registration Board.

There is established a board to be called the Engineers Registration Board which shall, in that name, be a body corporate with perpetual succession and shall be capable of suing and being sued and, subject to this Act, of doing and suffering all such other acts and things as bodies corporate may lawfully do

and suffer.

3. Functions of the board.

The functions of the board shall be to regulate and control engineers and their activities within Uganda and to advise the Government in relation to those functions.

4. General powers of the board.

The board may do all such things as are calculated to facilitate, or are incidental or conducive to, better carrying out its functions and to that end may, in particular, but without prejudice to the generality of the foregoing—

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the property;
- (b) establish and maintain offices in Uganda; and
- (c) exercise such powers in connection with the registration or suspension from registration of engineers as are authorised under this Act.

5. Seal of the board.

(1) The board shall have a common seal, and the fixing of the seal shall—

- (a) be authorised or ratified by resolution of the board;
- (b) be authenticated by the signatures of the chairperson, or in his or her absence the vice chairperson, of the board and of one other member of the board.

(2) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence in any court proceedings and shall, until the contrary is proved, be presumed to be a document so executed.

PART III—MEMBERSHIP AND PROCEDURE OF THE BOARD.

6. Membership of the board.

- (1) The board shall consist of the following members—
 - (a) the chairperson, who shall be a registered engineer in the service of the Government and who shall be appointed by the Minister;

- (b) three registered engineers in the service of the Government who shall be appointed by the Minister; and
- (c) three registered engineers, not being in the service of the Government, who shall be nominated by the institution.

(2) A member of the board shall, unless he or she previously dies, resigns or his or her appointment is revoked by the Minister, hold office for two years from the date of his or her appointment and shall be eligible for reappointment.

(3) The Minister may revoke the appointment of any member and may appoint a new chairperson or member as the case may be to fill any vacancy occurring in the membership of those persons appointed under subsection (1)(a) and (b), and subsection (2) shall apply in relation to the person so appointed.

(4) The institution shall nominate a new member to fill any vacancy occurring in the membership of those persons appointed under subsection (1)(c), and subsection (2) shall apply in relation to the person so nominated.

(5) A member may resign by giving notice in writing to the Minister.

7. Vice chairperson.

(1) The members of the board shall elect a vice chairperson from among their own number.

(2) The vice chairperson shall hold office for a period of one year and shall be eligible for reelection.

8. Meetings of the board.

(1) Subject to subsection (2), the board shall meet at such times as may be necessary or expedient for the transaction of its business; and all meetings of the board shall be convened by the chairperson, or in his or her absence the vice chairperson, who shall appoint a suitable time, place and date for the holding of each meeting.

(2) The chairperson, or in his or her absence the vice chairperson, shall convene a special meeting of the board on a request in writing signed by not less than three members of the board for such a meeting; and the

meeting shall be held within twenty-one days of the receipt by him or her of the request.

(3) The chairperson, or in his or her absence the vice chairperson, shall preside at the meetings of the board.

9. Quorum and voting at meetings.

(1) A majority of the members of the board shall constitute a quorum at any meeting of the board.

(2) All acts, matters and things authorised to be done by the board shall be decided by resolution at a meeting of the board at which a quorum is present.

(3) A decision of the majority of the members present and voting at a meeting of the board shall be deemed to be a decision of the board.

(4) Every member of the board shall have one vote; and in the event of an equality of votes, the chairperson of the meeting shall have a second or casting vote in addition to his or her deliberative vote.

10. Transaction of business by circulation of papers.

Notwithstanding section 9, where the chairperson so directs, a decision of the board may be made without a meeting being held, by the circulation of the relevant papers among all the members and the expression in writing of their views; except that any member shall be entitled to require that any decision be deferred until the subject matter is considered at a meeting of the board.

11. Procedure of the board.

Subject to this Act and any regulations made under this Act, the board may regulate its own procedure.

12. Minutes of proceedings.

Minutes in proper form of each meeting shall be kept and shall be confirmed by the board at the next meeting and shall be signed by the chairperson of the meeting.

13. Secretary.

The board may appoint a suitable person to be secretary to the board for the purpose of attending meetings of the board, keeping the minutes of meetings and performing such other secretarial duties as the board may require.

14. Validity of proceedings.

Subject to the provisions of section 9 relating to quorum, the board may act notwithstanding any vacancy in its membership, and no act or proceeding of the board shall be invalid by reason only of some defect in the appointment of a member.

15. Limitation of liability of members.

Neither the chairperson nor any member of the board shall be personally liable for any act done or any default of the board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or in exercise of the powers conferred upon, the board.

PART IV—REGISTRATION OF ENGINEERS.

16. Appointment of registrar.

The Minister shall appoint a registrar of the board who may be a person holding an office of emolument in the public service and who shall hold and vacate office in accordance with the terms of his or her appointment.

17. Register of engineers and entries in it.

(1) The registrar shall keep and maintain a register in which the name of every person entitled to have his or her name entered in the register shall be entered as soon as is practicable after his or her being accepted by the board for registration, showing against his or her name—

- (a) the date of the entry;
- (b) his or her address;
- (c) his or her qualifications; and
- (d) such other particulars as the board may from time to time direct.

(2) All changes in the particulars registered under subsection (1) shall be entered in the register by the registrar.

18. Publication of register and list.

(1) The registrar shall cause to be published in the Gazette, as soon as may be practicable after registration, the name, address and qualifications of each registered engineer and, subject to the directions of the board, may cause to be so published any amendment to, or deletion from, the register.

(2) The registrar shall cause to be published in the Gazette, as soon as possible after the first day of January in each year, a list containing the names, addresses and qualifications of all registered engineers remaining on the register at the close of the previous year.

(3) The institution shall submit to the registrar returns of its corporate membership at the end of each year.

19. Prima facie evidence of registration.

(1) A publication under section 18 shall be prima facie evidence that the persons named in the publication are registered under this Act, and the deletion from the register of the name of any person notified by the publication, or the absence of the name of any person from the publication, shall be prima facie evidence that that person is not so registered.

(2) The register, lists and all copies of or extracts from them which purport to have been certified under the hand of the registrar shall be receivable in all courts and tribunals or other bodies authorised to receive evidence as prima facie evidence of the facts stated in them.

20. Qualifications for registration of engineers.

(1) Subject to this Act, a person shall be entitled, on making an application to the board in the prescribed manner and on payment to the board of the prescribed fee, to be registered under this Act and to have his or her name entered in the register if he or she is—

- (a) a member of an institution of engineers the membership of which is recognised for the time being by the board as furnishing a sufficient guarantee of academic knowledge of, and practical experience in, engineering; or
- (b) a person who has attained the age of twenty-five years and who—

- (i) is the holder of a degree, diploma or licence of a university or school of engineering which may be recognised for the time being by the board as furnishing a sufficient guarantee of an adequate academic training in engineering;
- (ii) has had at least two years' adequate postgraduate practical training as an engineer and has had at least two years' experience in a position involving responsibility as an engineer; but the board may, at its discretion, accept any additional period in a position of responsibility as an engineer in excess of two years in substitution for the two years' practical training; and
- (iii) is a member of the institution.

(2) The board may require an applicant for registration under this Act to satisfy it that his or her professional and general conduct has been such as, in the opinion of the board, to make him or her a fit and proper person to be registered under this Act, and the board may direct the registrar to postpone the registration of an applicant until so satisfied.

21. Temporary registration.

- (1) Where a person satisfies the board—
 - (a) that he or she is not ordinarily resident in Uganda;
 - (b) that he or she is, or intends to be, present in Uganda in the capacity of a professionally qualified engineer for the express purpose of carrying out specific work or works for which he or she has been engaged; and
 - (c) that he or she is, or immediately prior to entering Uganda was, in practice as an engineer in such a capacity as to satisfy the board of his or her fitness to serve the public as a professionally qualified engineer,

the board may, if it thinks fit, direct that that person shall be registered under this section either for a period not exceeding one year or for the duration of any specific work or works.

(2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the board may require an applicant to appear before it for the purposes of considering his or her application and shall require every applicant to produce documentary evidence of his or her work or employment immediately prior to his or her entering Uganda.

(3) Registration of a person under this section shall continue only for the period or for the duration of the work or works as is directed by the board under subsection (1) and on its termination the person shall cease to be so registered.

(4) In case of doubt the decision of the board as to the termination of the work or works shall be conclusive.

(5) A person registered under this section shall, in relation to the period or the duration of the work or works as is directed by the board under subsection (1) and to things done and omitted in the course of the work or works, be treated as registered under this Act as a registered engineer but in relation to other matters shall be treated as not so registered.

(6) Any professional engineer coming to work in Uganda shall become a member of the institution within two months of his or her arrival in Uganda, and shall register within four months of his or her arrival in Uganda.

(7) Any firm or organisation, private or public, which recruits a professional engineer into Uganda shall ensure that the engineer has registered within four months of his or her arrival in Uganda.

22. Power to delete from and correct the register.

(1) The board may at any time direct that the name of a registered engineer be deleted from the register where that person has—

- (a) failed, within six months from the date of an inquiry sent by the registrar by prepaid registered letter to the address appearing in the register against his or her name, to notify the registrar of his or her current address;
- (b) requested that his or her name be deleted from the register, in which case that person may be required to satisfy the board 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;
- (c) been found by the board to be guilty of such misconduct as is provided for in section 24;
- (d) been declared an undischarged bankrupt or has a receiving order in bankruptcy against him or her;

- (e) been adjudged to be of unsound mind under the Mental Treatment Act; or
- (f) been struck off the register of the institution.

(2) The registrar shall delete from the register the name of every deceased person and shall also delete from the register any entry which has been incorrectly or fraudulently made.

(3) Except in the circumstances specified in subsections (1)(a) and (2), the deletion from the register of the name of any person shall be notified by the registrar to that person by prepaid registered letter to the address appearing in the register against his or her name immediately prior to the deletion.

(4) Subject to section 23, a person whose name has been deleted from the register under this section shall cease from the date of the deletion to be registered for the purposes of this Act.

23. Restoration to the register.

(1) Where the name of any person has been deleted from the register under section 22, the name of that person shall not be again entered in the register except by direction of the board.

(2) Where the name of any person has been deleted from the register or the effect of the registration of any person has been suspended in terms of section 24(b), the board may, either of its own motion or on the application in the prescribed manner of the person concerned, and in either case after holding such inquiry as the board thinks fit, direct that—

- (a) the deletion from the register be confirmed;
- (b) the name of that person be restored to the register; or
- (c) the suspension of the effect of the registration of that person be terminated.

(3) A direction given by the board under subsection (2) may include provision for the date upon which a restoration to the register or the termination of a suspension of registration shall take effect and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the board may determine.

PART V—INQUIRIES.

24. Powers to suspend registration, etc.

If any registered engineer is convicted of any offence against this Act or is, after due inquiry held by the board, found to have been guilty of any act or omission amounting to improper or disgraceful conduct in a professional respect, the board may—

- (a) caution or censure that registered engineer;
- (b) direct that, during such period as the board may specify, the registration of his or her name shall not have effect; or
- (c) direct that his or her name be deleted from the register.

25. Proceedings at inquiry.

(1) Upon any inquiry held by the board under section 24, the person whose conduct is being inquired into shall be entitled to appear and to be heard in person or to be represented by an advocate.

(2) For the purposes of proceedings at any inquiry held by it, the board shall have power—

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order the production of documents.

(3) All summonses and orders issued under the hand of the chairperson or the vice chairperson of the board shall be deemed to be issued by the board.

(4) The chairperson, or in his or her absence the vice chairperson, of the board shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the board.

(5) Subject to this section and of any regulations made under section 31, the board shall have power to regulate its own procedure at an inquiry held by it.

(6) For the purposes of Chapter I of the Penal Code Act, an inquiry held by the board shall be deemed to be a judicial proceeding.

26. Disobedience of summons and refusal to give evidence.

Any person upon whom a summons or an order issued under section 25 has been served, who refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause 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 board, or refuses or omits without sufficient cause to produce any documents in his or her possession or under his or her control which are specified in the order, commits an offence and is liable on conviction to a fine not exceeding one thousand shillings; but every person giving evidence before the board shall, in respect of any evidence given by him or her or any document produced by him or her, be entitled to all privileges to which he or she would be entitled as a witness before the High Court.

27. Appeals against decisions of the board.

(1) Any person aggrieved by a decision of the board to refuse to register his or her name, or to delete the name of a registered engineer from the register, or to refuse to restore a name to the register, or to suspend the effect of registration of his or her name, may appeal to the High Court against the decision of the board, and in any such appeal the High Court may give such directions in the matter as it thinks proper; and any order of the High Court under this section shall be final.

(2) The board may appear as respondent and be heard on any appeal against its decisions and, for the purpose of enabling directions to be given as to the costs of any such appeal, the board shall be deemed to be a party to the appeal, whether or not it shall appear at the hearing of the appeal.

(3) The Chief Justice may make rules for regulating appeals to the High Court under this section and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the board of an appeal, and until any such rules are made and subject to any such rules when made, the provisions of the Civil Procedure Act shall apply as if the decision or direction of the board was a decree of a court exercising original jurisdiction.

PART VI—MISCELLANEOUS.

28. Use of description “Registered Engineer” and effect of registration.

Every person whose name has been entered in the register shall, so long as his or her name remains in the register, be entitled to adopt and use the style and title “Registered Engineer” and to use the prefix “Eng.” before his or her name, and to offer his or her services to the public for gain or reward or by way of trade as a professionally qualified engineer.

29. Restrictions on use of title and false claims to qualifications.

Any person who, not being a registered engineer—

- (a) falsely pretends to be such;
- (b) uses the style or title “Registered Engineer” or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that the person is a registered engineer; or
- (c) holds himself or herself out, whether directly or by implication, to be a professionally qualified engineer,

commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings.

30. Offences and penalties.

- (1) Any person who—
 - (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy of it;
 - (b) fraudulently procures or attempts to procure himself or herself or any other person to be registered under this Act;
 - (c) without reasonable excuse, fails to register in accordance with section 20(5) or (6); or
 - (d) knowingly and wilfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or herself or for any other person,

commits an offence and is liable on conviction to a fine not exceeding five thousand shillings.

- (2) Where a person charged with an offence under subsection (1)(c) is a body corporate, every person who, at the time of the commission of the

offence, was a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of that offence, every such director or officer shall be deemed to have committed the same offence unless he or she proves that the offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

31. Regulations.

Subject to section 27(3), the Minister may make regulations generally for better carrying out the provisions of this Act, and any such regulations may, without prejudice to the generality of the foregoing, provide for—

- (a) the conduct of the business of the board and the procedure to be followed by the board in any inquiry under this Act;
- (b) the appointment by the board among its members of subcommittees and the co-option of persons to the subcommittees;
- (c) the fees to be paid for inspection of the register and for certificates, extracts, copies and lists of, or in relation to, entries in the register;
- (d) the duties of the registrar;
- (e) the issue of certificates of registration;
- (f) any forms to be used for the purpose of this Act;
- (g) the exemption of any persons or class of persons from all or any of the provisions of this Act provided they comply with such conditions as may be prescribed by the regulations; and
- (h) anything which is permitted or required by this Act to be prescribed.

32. Exemption of architects and quantity surveyors.

Nothing in this Act shall prohibit any person who is registered in accordance with the Architects Registration Act or the Surveyors Registration Act from performing any function or exercising any power which he or she may properly perform or exercise as an architect or a quantity surveyor, as the case may be, or render him or her liable to prosecution therefor.

History: Act 39/1969; S.I. 226/1969; Decree 10/1977, s.1.

Cross References

Architects Registration Act, Cap. 269.

Civil Procedure Act, Cap. 71.

Mental Treatment Act, Cap. 279.

Penal Code Act, Cap. 120.

Surveyors Registration Act, Cap. 275.
