

Enacted this 11th day of June, 1990

J. S. MOMOH
President.

LS

No. 3



1990

Sierra Leone

The Professional Engineers' Act, 1990

Short title .

Being an Act to make provision for the registration of Professional Engineers and the regulation of the practice of Engineering in Sierra Leone; and for connected purposes

[8th May 1990]

Date of Commence-ment.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

PART I—PRILIMINARY

1. This Act shall come into force on such day as the Minister may, by notice published in the *Gazette*, appoint.

Commence-ment

Interpretation.

2. In this Act unless the context otherwise requires—

“Chairman” means the Chairman of the Council of Professional Engineers;

“Council” means the Professional Engineers Registration Council established by section 3 of this Act;

“Engineer” means any person registered as a Professional Engineer under this Act;

“Institution” means the Sierra Leone Institution of Engineers;

“Minister” means the person for the time being charged with responsibility for matters relating to Works;

“Professional Engineer” means a person who has been registered as such under this Act and who has satisfied the Council under paragraph (a) of Section 6 and under Section 12;

“Register” means the Register of Professional Engineers maintained under this Act.

PART II—THE COUNCIL—ESTABLISHMENT, CORPORATE BODY, COMMON SEAL, POWER TO OWN PROPERTY, ETC.

Establishment of the Engineers' Council.

3. There is hereby established a Professional Engineers Registration Council, (in this Act referred to as ‘the Council’) to perform the functions assigned to it under the provisions of this Act.

Name, Powers, Corporate body and Common Seal.

4. (1) The Council shall be a body corporate and shall have perpetual succession.

(2) The Council shall have a common seal and may sue or be sued in its corporate name.

(3) The Council may acquire, hold or dispose of any property movable or immovable and may do any such thing as may be deemed reasonably necessary for the performance of its function under this Act.

(4) The common seal of the Council shall be kept in such custody as the Council may from time to time determine.

(5) The common seal of the Council shall not be affixed to any document or instrument except—

(a) by order of the Council; and

(b) in the presence of two members of the Council who shall sign the document or instrument inde-

pendently of the signature of any person who may have signed it as a witness.

5. (1) The Council shall consist of nine members as follows— Membership and registered office of the Council.
- (a) one registered Professional Engineer nominated by the Minister;
 - (b) two registered Professional Engineers nominated by the University of Sierra Leone;
 - (c) five members nominated by the Sierra Leone Institution of Engineers; and
 - (d) a member who shall be a lawyer.

(2) The Council shall elect a registered Engineer from among its members to be Chairman of the Council.

(3) The Council shall have a registered office.

6. The Council shall be responsible for the registration and practice of Engineering in Sierra Leone and shall— Functions of the Council.

- (a) prescribe or approve courses of study and the conduct and standards of qualifying examinations for registration of any person as a registered Professional Engineer under this Act;
- (b) prescribe standards of professional conduct and ethics for Professional Engineers;
- (c) control the practice of Engineering;
- (d) maintain and publish a register of Professional Engineers annually.

7. (1) Every member of the Council shall, unless he earlier vacates his office, hold office for a period of three years from the date of his appointment. Tenure of Office.

(2) A member of the Council may vacate his office by writing under his hand addressed to the Chairman.

(3) Where any member of the Council dies or vacates his office, the body or authority which nominated him shall appoint another person to fill the vacancy so caused.

(4) Any member of the Council who vacates his office by effluxion of time shall be eligible for re-appointment as a member.

8. (1) The Council shall appoint a Secretary to the Council and may appoint such other Officers and employees as it may deem necessary for the proper discharge of its functions under this Act. The Secretary and other officers of the Council.

(2) The Officers and employees appointed under sub-section (1) shall be employed in the Council's registered office.

Meetings of
the Council.

9. (1) The Council shall meet at least once in every three months at its registered Office or at such other place as the Chairman may determine.

(2) The Chairman or not less than two other members of the Council may in writing, stating the subject matter proposed to be discussed at the meeting, require the Secretary at any time to summon a special meeting of the Council and the Secretary shall comply with such request.

(3) Seven days written notice of a meeting of the Council or not less than twenty-four hours in the case of an emergency meeting shall be given by the Secretary to each member of the Council and the notice shall state the place, the day and the time of the meeting and, in the case of a special meeting, the nature of the business to be discussed at that meeting.

(4) Any omission by the Secretary to serve a notice under sub-section (3) or any failure to receive such notice by any member shall not invalidate the proceedings of any meeting of the Council.

(5) Five members of the Council shall constitute a quorum at any meeting of the Council.

(6) The Chairman, if present, shall preside at any meeting of the Council, or in his absence a member elected by the members present from among their number shall preside at that meeting.

(7) Any question arising for decision at any meeting of the Council shall be determined by a simple majority of the votes of members present and voting and where there is an equality of votes the person presiding shall have a second or casting vote.

(8) The Council may at any time co-opt any person to act as an adviser at any of its meeting and no person so co-opted shall be entitled to vote at any such meeting on any matter arising for a decision by the Council.

(9) Subject to the provisions of this Act, the Chairman or other person presiding at any meeting of the Council may, with the consent of the members present, adjourn the meeting from time to time or place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting which was adjourned.

(10) No notice of an adjourned meeting shall be necessary unless otherwise directed in the resolution for the adjournment.

- (b) the duties of officers of the Council;
- (c) the appointment of committees of the Council and the powers, duties and proceedings of each committee;
- (d) the administration, investment and expenditure of the property and funds of the Council from whatever sources and for whatever purpose received;
- (e) the definition of unprofessional conduct by a Professional Engineer and for determining the mode of inquiry into, the method of dealing with such conduct and the penalties which may be imposed upon any member of the Institution found guilty of such conduct;
- (f) the scale of fees to be charged by Engineers for professional advice, services rendered and work done;
- (g) the fees to be paid for registration and the annual renewal of registration;
- (h) prescribing the procedure to be followed by persons applying for registration as Professional Engineers; and
- (i) instructions and orders conducive to the maintenance and improvement of the status of professional Engineers in Sierra Leone.

PART V—QUALIFICATIONS AND REGISTRATION OF ENGINEERS

12. Subject to the provisions of section 13, no person may be registered as a Professional Engineer unless such person—

- (a) has passed the qualifying examinations of the course prescribed or approved by the Council under this Act, and has completed such practical training and for such period as may be prescribed by the Council; or
- (b) has passed the qualifying examinations of any Society or Institution of Engineers approved by the Council and recognised by the Council as an association of professional engineers equivalent in status to the Sierra Leone Institution of Engineers and has satisfied the residential qualification as specified by the Council under section 13; or

- (c) was a member of the Sierra Leone Institution of Engineers immediately before the commencement of this Act;
- (d) has been granted temporary registration by the Council for the purpose of carrying out certain specific assignments; and
- (e) has paid the prescribed fees.

13. Any person may be registered as an Engineer if he has— Qualification for registration.

- (a) passed the qualifying examinations to become an Engineer; and
- (b) become resident in Sierra Leone or is ordinarily resident in Sierra Leone; and
- (c) paid the fees prescribed by the Council.

14. No person shall be registered as an Engineer if he has been— Disqualification.

- (a) certified to be of unsound mind; or
- (b) convicted for an offence involving fraud or dishonesty; or
- (c) adjudged to be insolvent or a bankrupt and has not been granted by a court of competent jurisdiction, a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes.

15. The Council shall keep a register to be known as "The Register of Professional Engineers" (in this Act referred to as the "Register") in which shall be registered the name of every person immediately upon being accepted as a qualified Engineer by the Council, showing against his name such particulars as the Council may deem necessary. The Register.

PART VI—DISCIPLINE

16. (1) Subject to the provisions of section 17, the Council may strike off the Register the name of a Professional Engineer if satisfied that he is unfit to practice the profession of Engineering by reason of his professional misconduct as described in the second schedule, because he has become disqualified under paragraphs (a), (b) or (c) of Section 14. Name to be struck off Register for professional misconduct.

(2) The name of an Engineer who has been struck off the Register under subsection (1) may be restored to the Register if the Council is satisfied that he has subsequently become a fit and proper

person to continue to practice the profession of Engineering and that he has suffered such penalties as may be prescribed by the Council.

Disciplinary
Committee.

17. (1) The name of an engineer shall not be struck off the Register unless a disciplinary Committee has, after holding an inquiry, made a report to the Council that the person concerned has been found guilty of professional misconduct or is otherwise disqualified under the provisions of sections 13 and 14 of this Act.

(2) Where the Council has reasonable cause to believe, whether upon complaint made to it or otherwise, that any person who is a registered Professional Engineer has committed a professional misconduct, the Council may appoint a disciplinary committee as specified in the First Schedule for the purpose of holding an inquiry into the conduct of that person.

(3) The provision of the First Schedule to this Act shall apply to the disciplinary Committee to be appointed under this section in relation to—

(a) its constitution;

(b) the procedure to be followed at sittings;

(c) the proceedings at inquiries;

(d) the powers exercisable by the Committee and the punishments it may impose.

Suspension
from
Membership.

18. The Council may, in lieu of exercising its powers under section 16, suspend the registration of the person concerned from membership of the institution for a period of one year.

Appeal.

19. (1) Any person aggrieved by a decision of the Council under section 16 or section 18 of this Act may appeal to the High Court against such decision.

(2) The High Court may, upon such appeal, confirm, revoke or vary the decision appealed against and upon such terms and conditions as it may think fit.

(3) Every appeal under this section shall be made within one month from the date of the decision of the Council. The Council shall not execute any punishment in accordance with its decision until the appeal has been heard or it is certain that no such appeal has been lodged.

PART VII—MISCELLANEOUS

20. Except as otherwise provided, any person who contravenes any of the provisions of this Act shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding ten thousand leones, or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Offence and Punishment.

21. (1) A person shall be guilty of an offence who, being a person carrying on business in Sierra Leone and not being a Professional Engineer registered under this Act, uses or causes or permits to be used together with the name under which he carries on business, the words "Professional Engineer" or "Engineer" or any words, initials or abbreviations, or words intended to cause or which may reasonably cause any other person to believe that that person is a Professional Engineer registered under this Act. Fraud on the title of Professional Engineer.

22. (1) No registered Professional Engineer shall be entitled to practice as a Professional Engineer unless he is a holder of an Annual Practising Certificate which is for the time being in force. Practising Certificate.

(2) A practising certificate shall be issued by the Council on application to it by a Registered Professional Engineer and upon payment of the prescribed annual fee.

(3) Every certificate to practice shall be valid until the 31st day of December of the year in which it is issued and may from time to time be renewed upon payment of the prescribed annual subscription:

Provided that the certificate shall cease to be valid where during the period of validity of the certificate the person to whom it is issued ceases to be registered under this Act or the registration of that person is suspended.

(4) Every person who practises or undertakes to practise the profession of engineering in contravention of this section shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding five thousand leones and to a further fine of one hundred leones for each day that the offence continues, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment. Penalty

23. The Minister may upon the recommendation of the Council, make regulations for or in respect of any matter relating to or connected with the functions of the Council under this Act, or the proper exercise, discharge or performance thereof. Minister may make regulations.

24. The Minister may, upon the recommendation of the Council, by order amend, alter, vary or revoke any or all of the provisions of the Schedules to this Act. Power to vary Schedules.

SECOND SCHEDULE *Sections 16 & 17*
PROFESSIONAL MISCONDUCT

Misconduct
by Pro-
fessional
Engineer.

1. It shall be professional misconduct on the part of a Professional Engineer if he allows any other person to practise under his name as a Professional Engineer, unless that person himself is a registered Professional Engineer and is in partnership with, or employed by such Professional Engineer.

Other cases
of pro-
fessional
misconduct.

2. A Professional Engineer shall also be guilty of Professional misconduct if he—

- (a) holds or assumes or consciously accepts a position in which his interest as a Professional Engineer conflicts with his Professional duties;
- (b) accepts any remuneration other than professional fees or salary payable by his employer, from any source in connection with the works and duties entrusted to him;
- (c) fails to uphold and apply the scale of professional charges of the Institution;
- (d) accepts any work involving the giving or receiving of discounts or commissions or accepts any discount, gift or commission from any contractor or tradesman whether employed on his works or not;
- (e) accepts any remuneration other than fees, salary or royalty for acting as an Engineering Consultant or assistant to an Engineering Consultant, or solicits orders for any contractor, manufacturer, development firm or company whose activities are otherwise connected with Engineering;
- (f) allows his name to be affixed to the note-paper of any firm or company as is described in sub-paragraph (e) of this paragraph other than in connection with his professional services;
- (g) acts in a professional capacity, when engaged as an Engineering Consultant, adviser or assistant to any firm or company as is described in sub-paragraph (e) for a third party to whom his principal owes a contractual duty, unless all the parties agree that he may act as an independent Professional Engineer on the direct instructions of the third party as long as he receives payment of his fees direct from such third party;

- (h) advertises or offers his professional services to any person or body corporate by means of circulars or otherwise, or makes Commercial announcements in the press, except when—
- (i) applying to prospective employers for a salaried appointment;
 - (ii) advertising a professional appointment, open or wanted, directed only to members of the profession concerned;
 - (iii) responding to an advertisement addressed to members of the profession inviting such members to submit their names for inclusion in a panel or list of Professional Engineers where his response does not constitute or give rise to any act of professional misconduct under any provision contained in this Schedule;
 - (iv) notifying the Engineering Professional Press of any change of address; or
 - (v) notifying his correspondents, by post, of any change of address;
- (i) gives financial consideration for any illustration or description of his work to be published in the press or allows any such publication to be used by the publisher for inducing advertisements from contributors or for attempting to distribute the publication to potential clients;
- (j) attempts to supplant another Professional Engineer or compete unfairly with another Professional Engineer by means of a reduction of fees or any other inducement;
- (k) fails to notify another Professional Engineer when approached or instructed to continue with any professional work in which the other Professional Engineer was previously engaged;
- (l) when employed as a salaried and official Engineer by the Central Government or a local Authority or statutory body, and by reason of his office he is in a position to grant or influence the granting of any form of statutory or other official approval, undertakes private works, notwithstanding any permission from his employers to do so, unless he

neering business in question, he makes full disclosure in writing to his client of his interest in any such trade or business as is referred to in the provisions of sub-paragraphs (h), (i) or (j).

Passed in Parliament this 8th day of May, in the year of our Lord one thousand nine hundred and ninety.

M. T. BETTS-PRIDDY,
Acting Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

M. T. BETTS-PRIDDY,
Acting Clerk of Parliament.