

REGISTERED PROFESSIONAL ENGINEERS COUNCIL ACT

Act 49 of 1965 – 1 July 1966

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REGISTERED PROFESSIONAL ENGINEERS COUNCIL ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Registered Professional Engineers Council Act.

2. Interpretation

In this Act—

“Chairperson” means the Chairperson of the Council;

“Council” means the Council of Registered Professional Engineers of Mauritius established under section 3;

“member” means a member of the Council;

“Minister” means the Minister to whom responsibility for the subject of public infrastructure is assigned;

“practice of engineering” means the advising on, the reporting on, the designing or the approval of designs of all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating

docks, dredges, cranes, drainage works, irrigation works, water works, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steels, concrete and reinforced concrete structures, electric lighting systems, electric machinery, electric apparatus, electrical communication systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery and equipment and apparatus for carrying out such operations, machinery, boilers and their auxiliary equipment, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works, including the engineering works and installations relating to airports, airfields and landing strips and relating to town, country and community planning;

“register” means the register of professional engineers, referred to in section 10;

“Registered Professional Engineer” means a person registered as a professional engineer under this Act;

“Registrar” means Registrar of the Council.

PART II – ESTABLISHMENT OF COUNCIL

3. Establishment of Council

There is established for the purposes of this Act a Council of Registered Professional Engineers of Mauritius.

4. Composition of Council

The Council shall consist of—

- (a) 2 Registered Professional Engineers who shall be public officers and shall be appointed by the Minister;
- (b) one Registered Professional Engineer, who shall be appointed by the Minister after consultation with the *Société de Technologie Agricole Sucrière de l’Île Maurice* to represent the *Société*;
- (c) one Registered Professional Engineer, who shall be appointed by the Minister after consultation with the Central Electricity Board to represent the Board; and
- (d) 2 Registered Professional Engineers, who shall be appointed by the Minister after consultation with the Institute of Engineers (Mauritius) to represent the Institute.

5. Chairperson

The Chairperson shall be elected by the members from among themselves.

6. Tenure of office

(1) The members shall hold office for 2 years and shall be eligible for re-appointment.

(2) Where the Minister is satisfied that the Chairperson or any other member—

- (a) is guilty of improper conduct as Chairperson or member, as the case may be;
- (b) is incapacitated by prolonged physical or mental illness; or
- (c) for any other reason, is unable or unfit to discharge his duties as Chairperson or member, as the case may be, and that it would be detrimental to the interests of the Council to allow such Chairperson or member, as the case may be, to continue to hold office,

he may declare the office of such Chairperson or member vacant, and shall notify such declaration in such manner as he thinks fit, and on such notification being made, the office shall become vacant.

7. Appointment of officers and employees

The Council—

- (a) shall appoint a Registrar who shall also be the Secretary-Treasurer;
- (b) may appoint any other officers and employees; and
- (c) may grant to any officers and employees such remuneration as it may decide.

8. Audit

The Council shall appoint annually 2 auditors who shall be Chartered Accountants and who shall audit the accounts of the Council.

9. Legal proceedings

The Council may—

- (a) sue or be sued through its Chairperson; and
- (b) carry on, prosecute and defend any action, complaint, information or proceeding.

10. Register

There shall be a register of professional engineers in which the Registrar shall enter—

- (a) the full names, surnames and addresses of all persons approved by the Council as being qualified under this Act to be registered as professional engineers;
- (b) the date and description of the qualifications in respect of which such registration is granted; and

- (c) such other particulars as may be prescribed.

11. Roll of Registered Professional Engineers

(1) The Registrar shall, in January each year, transmit to the Minister a copy of the register certified to be correct up to 31 December of the preceding year.

(2) The Minister shall, on receipt of the copy of the register referred to in subsection (1), cause it to be published in the *Gazette* as the Roll of Registered Professional Engineers of Mauritius as at 31 December of the preceding year.

12. Roll fee

(1) Every Registered Professional Engineer shall, on or before 30 June each year, pay to the Registrar the prescribed roll fee in respect of the year commencing on 1 January in that year.

(2) Where a Registered Professional Engineer fails to pay the prescribed roll fee within the time prescribed, the Council may remove his name from the register.

(3) Where the name of any Registered Professional Engineer is removed from the register under this section, the Council may restore his name to the register upon payment of the prescribed fee and a surcharge of 50 per cent of the prescribed fee.

PART III – REGISTERED PROFESSIONAL ENGINEERS

13. Qualifications for registration

(1) Subject to this Act, any person who wishes to be registered as a professional engineer shall apply to the Council for registration.

(2) No person shall be registered as a professional engineer under this Act unless he—

- (a) satisfies the Council that he is of age and that he is of good repute and character; and
- (b)
 - (i) holds the corporate membership of the Institution of Civil Engineers, London, the Institution of Electrical Engineers, London, the Institution of Mechanical Engineers, London, or such other Institution or Society established for the purpose of promoting the study and practice of the profession of engineering as the Council may approve; or
 - (ii) holds a degree in Engineering granted by one of the Universities of the United Kingdom and Northern Ireland or a degree, diploma or certificate in Engineering from any other university, technical college, Institution or Society approved

by the Council as being of satisfactory standard, and satisfies the Council that he has had at least 2 years' experience in the practice of engineering.

14. Application for registration

An application for registration shall be—

- (a) made in such manner as may be prescribed; and
- (b) supported by such evidence as the Council may require.

15. Certificate of registration

The Council may, on payment of the roll fee under section 12, issue an annual certificate of registration.

16. Removal of names from register

(1) The Council shall remove from the register the name of any person—

- (a) who has died;
- (b) who is provided with a guardian or curator under Livre Premier, Titre Onzième, Chapitre Deuxième to Chapitre Quatrième of the Code Civil Mauricien;
- (c) who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practise;
- (d) who is, after due inquiry, adjudged by the Council to have been guilty in his professional capacity of infamous conduct, gross negligence or incompetence; or
- (e) whose registration has been obtained by fraud or misrepresentation.

(2) The Council shall, before removing the name of any person from the register under paragraph (c), (d) or (e), charge the person with the offence concerned and shall afford him an opportunity to defend himself either in person or by counsel.

17. Appeal against decision of Council

(1) Any person aggrieved by the refusal of the Council to register him or by the removal of his name from the register, may, within 21 days after the date on which notice is given to him by the Council of such refusal or removal, appeal by way of motion to the Supreme Court.

(2) On an appeal under subsection (1) the Supreme Court may give such directions in the matter as it thinks proper, including the costs of the appeal.

[S. 17 amended by Act 29 of 1992.]

18. Use of words

Any person registered as a professional engineer under this Act shall be entitled to use or publish the words "Registered Professional Engineer of Mauritius" or the abbreviation "RPEM" in connection with his practice as a professional engineer.

19. Prohibited practice

Any person who, not being a Registered Professional Engineer—

- (a) takes or uses the name or title "Registered Professional Engineer of Mauritius" or "Professional Engineer" or the name or title "Consulting Engineer" or any abbreviations, either alone or in connection with any other title, name, words or letters;
- (b) advertises or holds himself out or, subject to section 20, conducts himself in any way or any means as a Registered Professional Engineer; or
- (c) engages in the practice of professional engineering,

shall commit an offence and shall, on conviction, be liable, for a first offence, to a fine not exceeding 200 rupees and, for a subsequent offence, to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 3 months.

20. Saving

Nothing in this Act shall prevent—

- (a) a person from practising his profession, trade or calling as an architect or a bacteriologist, chemist, mineralogist, physicist or surveyor;
- (b) a person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master;
- (c) the work of an employee or a subordinate of a person registered under this Act, where such work does not include final designs or decisions and is done under the direct responsibility, checking and supervision of a person registered under this Act.

21. Regulations

(1) The Council may make such regulations as it thinks fit for the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for the—

- (a) duties of the Secretary-Treasurer and Registrar;
- (b) method of application for registration;
- (c) forms to be used for the purposes of this Act and the manner of keeping the register;

- (d) degrees, diplomas, certificates, licences or other documents, to be recognised by the Council;
- (e) conduct of proceedings in connection with complaints or charges against Registered Professional Engineers;
- (f) code of professional ethics; and
- (g) definition of "criminal offence", "infamous conduct", "gross negligence", and "incompetence" for the purposes of section 16 (c) and (d).

22. Penalty for fraudulent registration

Any person who—

- (a) wilfully makes or causes to be made any false entry in or falsification of the register; or
- (b) wilfully procures himself or any other person to be registered under this Act by producing or causing to be produced any false, forged or counterfeit degree, diploma, certificate, licence, letter, testimonial or other document or by making or causing to be made any false or fraudulent representation or declaration, either verbally or in writing,

shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

