
CHAPTER 200A

PROFESSIONAL ENGINEERS

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CHAPTER 200A
PROFESSIONAL ENGINEERS

An Act to provide for the registration of engineers, for the regulation and control of professional engineering and related purposes. *12 cf 2004*
8 cf 2006
27 cf 2009

[Assent 1st July, 2004]
[Commencement 25th August, 2004] *SI 68/2004*

PART I**PRELIMINARY**

1. This Act may be cited as the Professional Engineers Act. *Short title.*

2. In this Act — *Interpretation.*

“Accreditation Committee” means the Committee established by section 7(2);

“Appeals Tribunal” means the Tribunal established under section 21;

“applicant” means an individual applying under the provisions of this Act for registration as a professional engineer as the context requires;

“Assessment Committee” means the Committee established by section 7(4);

“Association” means The Bahamas Institution of Professional Engineers or The Bahamas Society of Engineers or any other association of Engineers recognized by the Minister;

“Board” means the Professional Engineers Board established by section 3;

“certificate of registration” means a certificate of registration issued under section 11;

“certificate of temporary registration” means a certificate of temporary registration issued under section 11;

“Chairman” means the Chairman of the Board appointed under subsection (4) of section 3;

“discipline” means the particular sphere of engineering in which the professional engineer is registered;

“Minister” means the Minister responsible for Public Works;

“prescribed examination” means the examination conducted by the Board under this Act for the purpose of assessing the professional ability of individuals applying for registration as a Professional Engineer;

“professional engineer” means a registered engineer engaged in the practice of professional engineering;

“professional engineering” means the act of designing, planning, directing or supervising, or managing any engineering works which requires the application of engineering principles and that concerns the safeguarding of life, health, property, economic interest, the public welfare or the environment;

“Register” means the Register of Professional Engineers provided for in section 8;

“registered engineer” means an individual whose name appears on the Register;

“relevant date” means the date of commencement of this Act;

“Registrar” means the Registrar to the Board appointed under section 6;

“seal” means a seal issued to a registered engineer under this Act; and

“to register” means to enter the name of a professional engineer in the Register.

PART II

THE PROFESSIONAL ENGINEER’S BOARD

Establishment of
the Board.

3. (1) There is hereby established a body to be known as the Professional Engineers Board, which shall discharge the responsibilities assigned to the Board by or under this Act.

(2) Subject to the provisions of subsection (3), the Board shall consist of the following members, to be appointed by the Minister —

- (a) one registered engineer, being the Director of Public Works or such other registered engineer in the Public Service as the Minister sees fit;
- (b) two registered engineers appointed by the Minister, with neither of the two being from the same discipline;
- (c) two registered engineers appointed by the Minister acting with the concurrence of The Bahamas Institution of Professional Engineers; and
- (d) two registered engineers appointed by the Minister acting with the concurrence of The Bahamas Society of Engineers.

(3) The Minister shall not —

- (a) appoint more than three persons from the same discipline to be members of the Board at the same time; or
- (b) appoint as a member of the Board any person —
 - (i) who, under the law of The Bahamas, is not a citizen or permanent resident of The Bahamas; or
 - (ii) who has been engaged in the practice of professional engineering for a period of less than five years.

(4) The members of the Board shall appoint one of the members to be Chairman of the Board.

4. (1) The members of the Board shall hold office for the period of two years next following the respective dates of their appointment and shall be eligible for reappointment; but neither the two members appointed under section 3(2)(b) nor the members appointed under sections 3(2)(c) and 3(2)(d) shall hold office for more than two consecutive terms.

Terms of office
of Board
Members.

(2) The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of any member of the Board:

Provided that where the member was appointed under section 3(2)(c) and 3(2)(d), the Minister shall not,

without the prior concurrence of the Association, revoke the appointment of the member.

(3) If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member, who shall hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

(4) A member other than the Chairman may at any time resign his office by instrument addressed to the Minister and transmitted through the Chairman.

(5) The Chairman may at any time resign his office by instrument addressed to the Minister.

Meetings of the Board.

5. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, but not less than once every three months, and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The quorum of the Board shall be four.

(3) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a second or casting vote in any case in which the voting is equal.

(4) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(5) The Chairman shall cause to be given to a member, fourteen days written notice by registered mail of a meeting of the Board.

Registrar and other staff, etc, for the Board.

6. The Minister shall appoint a Registrar who shall perform the functions assigned to the Registrar by or under this Act and shall provide the Board with such other staff and accommodation, services and other facilities as appear to the Minister to be necessary or expedient for the performance of the functions of the Board.

Functions of the Board and Committees.

7. (1) The functions of the Board are —

(a) to conduct or arrange for the conduct of an examination, where appropriate for the purpose of assessing the professional ability of individuals applying for registration;

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- (b) to register professional engineers, and to issue certificates of registration and seals;
 - (c) to safeguard against illegal, improper or unethical engineering practices;
 - (d) to exercise disciplinary control over registered engineers;
 - (e) to publish in the Gazette a list of qualifications and institutions recognized by the Board in respect of the engineering academic training required for eligibility to sit the prescribed examination;
 - (f) to make recommendations to the Minister regarding amendments to the law relating to professional engineers;
 - (g) to advise the Minister on any matter which the Minister refers to the Board relating to the practice of professional engineering;
 - (h) to regulate the practice of professional engineering in accordance with this Act; and
 - (i) to advise the Minister on such matters of professional concern to members of the engineering Associations as the Associations may refer to the Board.
- (2) The Board shall establish a Committee to be known as the Accreditation Committee consisting of not less than ten and not more than fifteen registered engineers.
- (3) The functions of the Accreditation Committee shall be —
- (a) to assess and keep under review the academic qualifications required for registration as a professional engineer;
 - (b) to examine, investigate and report to the Assessment Committee on, the academic qualifications of individuals applying for registration under this Act;
 - (c) to assist the Board in the preparation and conduct of the prescribed examination when the conduct of such examination is required pursuant to paragraph (a) of section 9(2); and
 - (d) to assist the Board in the preparation of the list mentioned in paragraph (e) of subsection (1).

(4) The Board shall establish a committee to be known as the Assessment Committee consisting of not less than three and not more than eleven registered engineers.

(5) The function of the Assessment Committee shall be to assist the Board to assess the qualifications and experience of applicants for registration and, in the discharge of this function, the Assessment Committee shall —

- (a) review the post-graduate training, and assess the engineering practice of applicants; and
- (b) make recommendations to the Board as to whether the applicants are qualified to sit the prescribed examination.

PART III

REGISTRATION OF PROFESSIONAL ENGINEERS

Register of
Professional
Engineers.

8. (1) The Board shall cause the Registrar to keep a register, to be known as “the Register of Professional Engineers” which shall contain the name and address of every professional engineer registered under this Act, the qualifications by virtue of which he is registered and such other particulars as may be prescribed.

(2) The Register shall be divided into sections adapted to contain the particulars of the several categories of disciplines in respect of which persons may be registered under the Act.

First Schedule.

(3) The categories of disciplines in respect of which professional engineers may be registered under this Act are set out in the First Schedule.

(4) The Register shall be open to inspection by any member of the public at the office of the Registrar during normal office hours.

Qualifications for
registration.

9. (1) Notwithstanding subsections (2) and (3) of section 11, an individual is entitled to be registered in the relevant section of the Register if upon his written application to the Board for registration as a professional engineer, he satisfies the Board that —

- (a) he is qualified to be registered as a professional engineer; and
- (b) he is a fit and proper individual to practice as a registered engineer.

(2) For the purposes of subsection (1), an individual is qualified to be registered as a professional engineer, if on application to the Board, the applicant has not been disqualified or suspended from the practice of professional engineering in any place outside The Bahamas and —

- (a) is the holder of a Bachelor of Science degree or equivalent from a learning institution approved by the Board in a discipline of engineering listed in the First Schedule, and has been engaged in the practice of engineering for a period of not less than four years and is successful in the examination conducted by the Board under section 7(1)(a); or
- (b) is the holder of a Bachelor of Science Degree in Engineering Technology accredited by the Engineering Accreditation Commission of the United States of America, or a Higher National Diploma (HND) approved by the Engineering Council of the United Kingdom, or equivalent in a discipline of engineering listed in the First Schedule obtained before December 31st, 2003, and has been engaged in the practice of engineering for a period of not less than eight years and is successful in the examination conducted by the Board under section 7(1)(a); or
- (c) on the relevant date of this Act he is a Corporate Member of The Bahamas Institution of Professional Engineers or such association of engineers as may be approved by the Board; or
- (d) is registered as a professional engineer by a legally empowered engineering registration authority in the United States of America, Canada, the United Kingdom and any of the countries of the Caribbean Community and, in the opinion of the Board, such registration is evidence of satisfactory training in engineering; or
- (e) has had not less than fifteen years practical experience in the specific discipline and specialty which he has been training in, the last five of which he should have been in charge of engineering works, and has demonstrated to the satisfaction of the Board that he is proficient in the design and execution of engineering works:

First Schedule.

First Schedule.

8 cf 2006
27 cf 2009, s 2

Provided an applicant for registration as a professional engineer by virtue of subsection 2(c) of this section shall only be entitled to such registration over the period commencing on the relevant date of the Act and ending seventy months thereafter, after which the provisions of subsection (2)(c) shall be discontinued. In addition an applicant for registration as a professional engineer by virtue of subsection 9(2)(e) shall only be entitled to such registration over the period commencing on the relevant date of the Act and ending seventy months thereafter, after which time the provisions of subsection (2)(e) shall be discontinued. All applications from thenceforth shall be considered by the Board in accordance with subsections (2)(a), (b) and (d) of this section.

Qualifications for
temporary
registration.

10. (1) Notwithstanding subsection (2) of this section, or section 9, or subsections (2) and (3) of section 11, an individual is entitled to be temporarily registered in the relevant section of the Register, for a period not exceeding six months, upon his written application to the Board for registration as a professional engineer, if he satisfies the Board that —

- (a) he is qualified to be registered under section 9(1) and 9(2)(a), (b) or (d);
- (b) he is temporarily in The Bahamas for the purpose of carrying out work in connection with a particular project specified in his application;
- (c) he is qualified in a specialist field of engineering not readily available in The Bahamas as evidenced by his registration in that field by a legally empowered engineering authority in a country approved by the Board;
- (d) there are some special circumstances which would warrant his temporary registration; and
- (e) he is associated with an Engineer whose name appears on the Register; or is on temporary assignment from an international lending agency, or from a United Nations Agency, the Commonwealth Secretariat or a similar sponsoring organization approved by the Minister after consultation with the Board, to carry out work on a particular project for a specified time.

(2) The Board may refuse to temporarily register an individual applying for registration or may suspend or revoke a certificate of temporary registration where the

Board is of the opinion upon reasonable and probable grounds —

- (a) that the past conduct of the applicant, or the holder of the certificate of temporary registration, affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;
- (b) that the applicant for the certificate of temporary registration does not meet the requirements or qualifications for the issue of a certificate of temporary registration as set out in this Act; and
- (c) that there has been a breach of a condition of the certificate of temporary registration.

11. (1) Every individual wishing to be registered shall make application therefor to the Board and shall furnish to the Board —

Certificate of registration, or of temporary registration and seal.

- (a) proof of his identity and residential status in The Bahamas;
- (b) the documents conferring or evidencing his qualifications and experience; and
- (c) such other particulars as may be prescribed or as may be required by the Board in any particular case.

(2) An application for registration made under this Act by an individual who is not a citizen of The Bahamas, or who is not a Public Officer, shall not be favourably determined without the concurrence of the Minister responsible for Immigration.

(3) As soon as practicable after receipt of an application under subsection (1), the Board shall consider the application and make a determination as to whether or not the applicant should be registered.

(4) The determination made by the Board in respect of an application for registration shall be communicated to the applicant and, in the case of a favourable determination the Board shall, upon receipt of the prescribed fee from the applicant, direct the Registrar to enter the name of the applicant in the relevant section of the Register and to issue to the applicant a certificate of registration or (if the applicant is temporarily registered) a certificate of temporary registration, and a seal:

Provided that no fee shall be payable in respect of registration or renewal of registration by a Public Officer.

(5) The certificate of registration, certificate of temporary registration and seal issued under subsection (4) shall be in such form as may be prescribed.

(6) A certificate of registration shall take effect on the date specified on the certificate as the date on which it is to take effect and shall expire on the 31st day of December in the year in which it was issued.

(7) A certificate of registration shall be subject to such conditions (if any) as the Board may determine and shall be renewed upon application of the holder thereof and upon payment of the prescribed fee, unless the name of the holder has been removed from the Register as a result of disciplinary action under section 14.

(8) A certificate of temporary registration shall be subject to such conditions (if any) as the Board may determine and shall take effect and expire on the respective dates specified on the certificate as the dates on which it is to take effect and expire, respectively.

(9) A certified copy of a certificate of registration, or a certificate of temporary registration, made by the Registrar shall be *prima facie* evidence in any court that the person to whom the certificate relates is a registered engineer.

(10) A letter signed by the Registrar stating that a person is not a registered engineer shall be *prima facie* evidence in any court of that fact.

(11) The holder of a certificate of registration, or a certificate of temporary registration, shall display it in a prominent position at his place of work.

(12) The seal and signature of a registered engineer shall be affixed to every document or drawing prepared by him.

(13) Where a certificate of registration, certificate of temporary registration or seal has been lost, destroyed or mutilated it may be replaced by the Board by the issue of a copy thereof upon the application of the holder and on the payment of the prescribed fee.

(14) The Board shall cause to be published in the Gazette —

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- (a) as soon as practicable after the expiration of seventy months after the commencement of this Act, a list containing the name and address of every individual who, seventy months after such commencement, is a registered engineer; and *27 cf 2009, s 3*
- (b) thereafter in the month of February in each year, a list containing the name and address of every engineer registered, or who has ceased to be registered, at 31st day of January in that year.

12. Every individual registered under this Act who obtains an engineering qualification approved by the Board as higher than or additional to that in respect of which he is registered shall be entitled to have such higher or additional qualifications inserted by the Registrar in the Register in substitution for or in addition to, as the case may be, the qualifications in respect of which he is already registered. Additional qualifications.

PART IV

DISCIPLINE

13. Every registered engineer shall in pursuit of the practice of professional engineering comply with, and be subject to, the rules of professional conduct set out in the Second Schedule. Code of Conduct.
Second Schedule.

14. (1) For the purposes of this Act, “professional misconduct” means in relation to a registered engineer — Professional misconduct.

- (a) negligence;
- (b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the registered engineer is responsible;
- (c) failure to correct or to report a situation that he believes may endanger the safety or welfare of the public;
- (d) failure to make responsible provision for complying with applicable Acts, rules, regulations, bye-laws, standards and codes in connection with work being undertaken by him or under his responsibility;
- (e) signing or sealing a final drawing, specification, plan, report or other engineering document not actually prepared or checked by him;

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- (f) failure to present clearly to his employer the consequences to be expected from a deviation proposed in work, if his professional judgment is overruled by non-technical authority in cases where he is responsible for the technical adequacy of professional engineering work;
 - (g) undertaking work which he is not competent to perform by virtue of his engineering training or professional experience;
 - (h) committing an act relevant to the practice of professional engineering, which having regard to the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional;
 - (i) failure to abide by the terms or conditions of his certificate of registration or of his certificate of temporary registration, as the case may be;
 - (j) failure to supply documents or information requested by the disciplinary committee;
 - (k) permitting, counseling or assisting a person who is not registered under this Act to engage in the practice of professional engineering except as provided for in this Act;
 - (l) procuring his registration by a statement which is false in a material particular;
 - (m) a conviction by a court in The Bahamas or elsewhere of a criminal offence which, in the opinion of the Board, renders him unfit to be registered;
 - (n) the repeated performance of defective work to which adequate checks have not been applied;
 - (o) making any report in connection with the performance of any engineering work containing information which he knows to be erroneous in any material particular; or
 - (p) being otherwise guilty of negligence or incompetence in the performance of his functions as a professional engineer or being guilty of breaches of the Code of Ethics.

(2) In this section, “negligence” means an act or an omission in the carrying out of the work of a registered engineer which constitutes a failure to maintain the standards which a reasonable and prudent registered engineer would maintain in the circumstances.

15. (1) A complaint that an individual registered under this Act has been guilty of professional misconduct may be made to the Board by any person in the prescribed form and shall be accompanied by such statements and affidavits as may be prescribed.

Complaints of professional misconduct.

(2) Where the Board is of the opinion that any complaint so made might, if established, call for the exercise by a disciplinary committee of any of the disciplinary powers conferred by section 17, the Board shall appoint such a disciplinary committee and shall refer the complaint to it.

16. (1) A disciplinary committee shall consist of four members, of whom —

Disciplinary Committee.

(a) three shall be selected by the Board from among registered engineers and shall be as far as possible individuals of comparable professional experience or individuals professionally senior to the individual complained against and of a similar discipline; and

(b) one shall be selected by the Minister from among individuals of any profession of comparable professional experience.

(2) The disciplinary committee shall elect, from among the members mentioned in paragraph (a) of subsection (1), a chairman of the committee.

(3) The disciplinary committee may appoint a counsel and attorney, who for a period of at least ten years has been in practice as such, to attend any meeting of the committee for the purpose of advising it on matters of law.

(4) In the conduct of the hearing of any complaint the disciplinary committee shall ensure —

(a) that adequate notice of proceedings is given to the individual complained against; and

(b) that any party to the proceedings may, if he so requires, be heard by the committee either in person or by his counsel and attorney.

(5) At any such hearing the committee may require evidence to be given on oath, and the chairman of the committee shall have the power to administer an oath for the purpose and to issue summonses under his hand requiring the attendance of any person before it, at a time and place to be specified in any such summons, to give

evidence on oath or to produce any document relevant to the subject matter of the proceedings.

(6) Any such summons shall be served as if it had been issued by a magistrate, and the attendance before the committee of any person so summoned may be enforced by a magistrate, upon application made to him by the chairman of the committee, as if the proceedings before the committee were proceedings before the magistrate, under the provisions of the Magistrates Act.

Ch. 54.

(7) The decisions of the committee shall be by a majority of votes and, in addition to an original vote, the chairman of the committee shall have a second and casting vote in any case in which the voting is equal.

Disciplinary
powers of the
Board.

17. (1) On the hearing of a complaint the disciplinary committee shall make its recommendations to the Board and the Board may either dismiss the complaint or make such order of a disciplinary nature as it thinks fit, and any such order may in particular provide for any of the following matters, that is to say —

- (a) removal of the name from the Register;
- (b) suspension of registration for a period not exceeding one year;
- (c) payment of a penalty (to be forfeited to the Crown) not exceeding one thousand dollars; and
- (d) payment, by any party to the proceedings, of costs or of such sum as the Board may consider to be a reasonable contribution towards the costs incurred in connection with those proceedings.

(2) Subject to section 18 every such order shall be filed with the Registrar and shall take effect —

- (a) where no appeal under section 28 is brought against the order within the time limit for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

(3) The Registrar shall cause a note of the effect of every order filed with him pursuant to subsection (2) to be entered in the Register against the name of the individual

to whom the order relates and, except in the case of an order making provision only for costs, shall forthwith upon the taking effect of the order cause a notice stating the effect of the order to be published in the Gazette.

18. (1) On making an order for removal or an order for suspension in respect of any individual the Board, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of that individual, may order that his registration in the Register shall be suspended forthwith in accordance with this section.

Power to order immediate suspension.

(2) Where an order under subsection (1) is made in respect of an individual, his registration shall be suspended (that is to say, shall not have effect) from the time when the order is made until the time when the relevant order takes effect in accordance with subsection (2) of section 17 or an appeal against it under section 31 is (in whatever manner) determined.

(3) The Supreme Court may terminate any suspension of an individual's registration which has effect by virtue of subsection (2), and the decision of the Court on any application under this subsection shall be final.

(4) In this section "order for removal" means an order under subsection (1) of section 17 for the removal of an individual's name from the Register, and "order for suspension" means an order under that subsection for the suspension of an individual's registration in the Register.

19. (1) The Registrar shall remove from the Register the name of any individual —

Removal of name from Register.

- (a) upon the application of the individual; or
- (b) upon the taking effect of an order of the Board under subsection (1) of section 18, in relation to that individual:

Provided that where a complaint has been made against any individual under subsection (1) of section 15, his name shall not be removed under paragraph (b) of this subsection until the complaint, or any appeal in relation thereto, has been finally disposed of under this Act.

(2) Where the name of any individual has been removed from the Register or his registration has been suspended, any certificate of registration, certificate of temporary registration or seal issued to him under section 11 shall cease to have effect for as long as his name

remains off the Register or, as the case may be, suspension continues in force.

(3) Where the name of any individual has been removed from the Register, the Board shall, in writing, require such individual to return to the Registrar his certificate of registration, certificate of temporary registration and seal and such individual shall comply with that requirement.

(4) Any individual who fails without reasonable excuse to return his certificate of registration, certificate of temporary registration and seal as required by subsection (3) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to a further fine of two hundred dollars for each day during which such offence continues.

Restoration to
Register.

20. (1) The Board may at any time, upon application being made by any individual whose name has been removed from the Register or whose registration has been suspended, determine if it thinks fit, that such individual's name shall be restored to the Register or, as the case may be, that his suspension shall cease with effect from such date as the Board may appoint, and shall forthwith give notice of any such determination to the Registrar.

(2) On receipt of notice of a determination made by the Board under subsection (1) in relation to any individual, the Registrar shall forthwith cause the name of that individual to be restored to the Register or, as the case may be, cause a note of the cessation of the suspension to be entered therein, and in either such case shall cause notice of the determination of the Board to be published in the Gazette.

Appeals
Tribunal.

21. (1) The Board shall appoint an Appeals Tribunal 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.

(2) The Appeals Tribunal shall make recommendations to the Board.

(3) A person who appeals under this section is entitled to be represented at the hearing by his legal advisor.

PART V
OFFENCES AND PENALTIES

22. (1) No person shall undertake the practice of professional engineering unless he has a valid certificate of registration or a certificate of temporary registration.

Prohibition of unregistered persons performing engineering works.

- (2) No person not being a registered engineer shall —
- (a) use a title or description which leads to the belief that he is a registered engineer;
 - (b) advertise himself as a registered engineer;
 - (c) act in a manner so as to create or induce the belief that he is a registered engineer;
 - (d) sign or stamp any plans, drawings, designs or specifications purporting to be acting in the capacity of a registered engineer; or
 - (e) affix or use in connection with any premises occupied by him, any name, title or description (whether by initials or otherwise) reasonably calculated to suggest that he is a registered engineer.

(3) The provisions of subsection (1) shall not apply to the practice of professional engineering by a person who so practices under the supervision, direction and control of an individual who holds a certificate of registration, or certificate of temporary registration.

(4) Any person who contravenes subsection (1) or (2) of this section is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

23. Any person who —

- (a) willfully makes or causes to be made any entry in the Register which to his knowledge is false; or
- (b) willfully procures or attempts to procure the registration of himself or any other individual as a professional engineer by means of any representation or declaration either oral or in writing, which to his knowledge is false,

Penalty for wrongfully procuring registration.

is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

PART VI

FINANCIAL PROVISIONS

Funds of the
Board

24. The funds of the Board shall consist of such monies as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other monies as may lawfully be paid to the Board.

Accounts and
audit

25. The Board shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Board with the approval of the Minister.

Annual reports
and estimates

26. (1) The Board shall in each year prepare and submit to the Minister on or before the 31st day of March, a report of its proceedings during the period of twelve months ending on the 31st day of December in the preceding year, including a statement of its accounts audited in accordance with section 25.

(2) The Board shall, on the 1st day of March in each year or such earlier date as may be required by the Minister submit to the Minister for approval, its estimates of revenue and expenditure in respect of the twelve month period commencing on the 1st day of January next following.

Expenses under
this Act

27. Any expenses incurred in carrying this Act into effect shall be defrayed out of monies provided by Parliament.

PART VII

MISCELLANEOUS PROVISIONS

Appeal to the
Supreme Court

- 28.** (1) Any person aggrieved —
- (a) by the determination of the Board under section 11 refusing his application for registration as a professional engineer; or
 - (b) by an order made by the Board under section 17 in relation to a complaint made by or against him,

may appeal on that account to the Supreme Court in accordance with rules to be made by the Rules Committee under section 76 of the Supreme Court Act within fourteen days in a case falling within paragraph (a) of this subsection, after receipt by him of the notification provided

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for by this Act and in a case falling within paragraph (b) thereof, after publication in the Gazette of the notice required by subsection (3) of section 17.

(2) The Supreme Court on the hearing of any such appeal may confirm, reverse or vary the determination of the Board and the Board shall give effect to the decision accordingly.

29. A certificate under the hand of the Registrar as to an entry in the Register or as to any act or proceeding of the Board shall, until the contrary is proved, be sufficient evidence in any court of any matter so certified.

Certificate of Registrar to be evidence.

30. In addition to the powers and duties assigned to the Minister elsewhere in this Act, the Minister shall have the power to review the activities of the Board.

Review of Board activities.

31. Nothing in this Act shall make the Registrar or any member, employee, agent or appointee of the Board, or any officer or member of the Committee, liable to any action or proceeding for any act done in good faith by any such person in the performance of a function, or intended exercise in good faith of a function, under this Act.

Immunity of certain persons acting under this Act.

32. The Minister acting on the advice of the Board may make regulations —

Regulations.

- (a) prescribing the form of and the method of keeping the Register;
- (b) prescribing the particulars which the Register shall contain;
- (c) prescribing particulars under which the name of a registered engineer may be restored to the Register when such name has been removed from the Register under any of the relevant sections of this Act;
- (d) prescribing the form of any application, certificate of registration, certificate of temporary registration, seal or other document required for the purposes of this Act;
- (e) prescribing the subject matter of the prescribed examination, the standards required for the successful completion of the prescribed examination and the conditions governing the grant of exemptions from any of the requirements of any regulations relating to the prescribed examination;

- (f) prescribing the fees payable in respect of the examination and registration of individuals, the issue, renewal and replacement of certificates of registration, certificates of temporary registration, and seals and any alterations or additions to the Register;
- (g) regulating the proceedings of the Board and any other matter necessary for the efficient discharge of its functions under this Act;
- (h) prescribing penalties, not exceeding a fine of one thousand dollars for the breach of any regulation made under this Act; and
- (i) prescribing any other matter or thing authorized or required by this Act to be prescribed.

Amendment of Schedules.

33. The Minister acting on the advice of the Board may by Order amend the First and Second Schedule.

Transitional Provisions.

8 *cf* 2006, s 3
27 *cf* 2009, s 4

34. (1) Notwithstanding any provision of this Act, an individual who immediately before the relevant date was practising as a professional engineer in The Bahamas may continue to do so, without being registered or without holding a certificate of registration, or a certificate of temporary registration —

- (a) for the period of seventy months beginning with that date; and
- (b) if before the expiration of that period he applies for registration under this Act, until he is registered and a certificate of registration or certificate of temporary registration, as the case may be, is issued or until such application is finally refused or is withdrawn.

8 of 2006, s. 3.
27 *cf* 2009, s 4

(2) The Minister shall appoint a transitional Board which shall consist of seven individuals who are eligible to be registered as engineers under this Act.

8 of 2006, s. 3.
27 *cf* 2009, s 4

(3) A member of the Board appointed under subsection (2) of this section shall hold office until the 30th day of June, 2010.

8 of 2006, s. 3.
27 *cf* 2009, s 4

(4) The provisions of this Act shall apply *mutatis mutandis* to a Board constituted under subsection (2) of this section.

Savings.

35. Save as otherwise provided in this Act, nothing in this Act shall extend or be construed to extend or prejudice or in any way affect the practice by any person of

any profession or occupation under and in accordance with any written law authorising such practice.

FIRST SCHEDULE (Section 8(3))

CATEGORIES OF DISCIPLINES

The categories of disciplines in respect of which professional engineers may be registered are —

1. Civil
2. Structural
3. Mechanical
4. Electrical
5. Chemical
6. Agricultural
7. Aeronautical
8. Building Services
9. Geotechnical
10. Industrial
11. Marine
12. Environmental

SECOND SCHEDULE (Section 13)**CODE OF PROFESSIONAL CONDUCT**

The Provisions of this Code apply to all forms of engineering employment and, for the purposes of this Code, the term “Employer” includes the term “Client”. A registered engineer —

- (a) for the purpose of discharging his duties to the public, to his employers, to other members of the engineering profession and to himself, shall act at all times with —
 - (i) fidelity to public needs;
 - (ii) fairness and loyalty to his associates, employers, subordinates and employees; and
 - (iii) devotion to high ideals of personal honour and professional integrity;
- (b) shall express opinions on engineering matters only on the basis of adequate knowledge and honest conviction;
- (c) shall have proper regard for the safety, health and welfare of the public in the performance of his professional duties;
- (d) shall endeavour to increase public understanding of engineering and the role of professional engineers in society;
- (e) shall not be associated with enterprises which are contrary to the public interest or sponsored by persons of questionable integrity, or which do not conform to the basic principles of this Code;
- (f) shall sign or seal only those plans, specifications and reports which have actually been prepared by him or under his direct professional supervision or which have been checked by him;
- (g) shall act for his employer as a faithful agent or trustee;
- (h) shall not disclose confidential information pertaining to the interests of his employers without their consent;
- (i) shall present clearly to his employers the consequences to be expected if his professional judgment is overruled by nontechnical authority in matters pertaining to work for which he is professionally responsible;
- (j) shall not, without the full knowledge of his employers, undertake any assignment which may create a conflict of interest with his employers;

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- (k) shall not accept remuneration for services rendered other than from his employers;
 - (l) shall conduct himself towards other professional engineers with courtesy, fairness and good faith;
 - (m) shall not compete unfairly with another professional engineer by attempting to obtain employment, advancement or professional engagements by competitive bidding, by taking advantage of a salaried position or by criticizing other professional engineers;
 - (n) shall undertake only such work as he is competent to perform by virtue of his academic training or professional experience;
 - (o) shall not advertise his work or merit in a self-laudatory manner;
 - (p) shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession;
 - (q) shall advise the Board of any practice by another professional engineer which he believes to be contrary to this Code;
 - (r) shall not maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the professional reputation, prospects or business of another professional engineer; and
 - (s) shall not, where steps have been taken by any person towards employing another professional engineer, directly or indirectly attempt to supplant that other professional engineer or to intervene in or in connection with engineering work which to his knowledge has already been entrusted to that other professional engineer.