

THE PROFESSIONAL ENGINEERS REGISTRATION
ACT

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SCHEDULES

THE PROFESSIONAL ENGINEERS REGISTRATION
ACT

Acts
11 of 1987,
21 of 1996,
3 of 2005.

[2nd November, 1987.]

PART I. *Preliminary*

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

2.—(1) In this Act—

Interpreta-
tion.

“authorized organization” means an organization in relation to which a certificate of authorization is issued in accordance with the provisions of section 16 and remains in force;

“Board” means the Professional Engineers Registration Board established in accordance with section 3;

“Caribbean Community” means the Caribbean Community established by Article 2 of the Revised Treaty of Chaguaramas signed in the Bahamas on the 5th day of July, 2001 and includes the CARICOM Single Market and Economy; 3/2005
S. 2(a).

“Chairman” means the Chairman of the Board;

“functions” includes duties and powers;

“Jamaica Institution of Engineers” means the incorporated organization constituted on the 9th day of December, 1977, and incorporated on the 17th day of January, 1984, under the name of the Jamaica Institution of Engineers;

“member of an organization” means any member of a partnership or association of persons or any director, manager, secretary or other similar officer of a body corporate;

3/2005
S. 2(b).

“Member State” means a Member State of the Caribbean Community, excluding an associate member within the meaning of Article 231 of the Revised Treaty of Chaguaramas;

“organization” means a partnership, association of persons or body corporate;

21/1996
S. 2(a).

“practice of engineering” means the rendering of or offering to render any service or work the performance of which requires education, training and experience in the field of engineering and the application of knowledge in the mathematical, physical and applied sciences to such service or work;

21/1996
S. 2(b).

“practising certificate” means a certificate issued by the Board pursuant to subsection (1) of section 14A;

“register” means the register of engineers kept by the Registrar in accordance with the provisions of section 6;

21/1996
S. 2(c).

“registered engineer” means a person who is registered under this Act to carry on the practice of engineering;

“Registrar” means the Registrar designated pursuant to section 5;

“secretary” means the secretary of the Board.

3/2005
S. 2(c).

(2) For the purposes of this Act, a person is a national of a Member State of the Caribbean Community if that person is—

(a) a citizen of that state; or

- (b) has a connection with that state of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native or resident of the state for the purposes of the laws thereof relating to immigration.

PART II—*Registration of Engineers*

3.—(1) There shall be established for the purposes of this Act a body to be called the Professional Engineers Registration Board which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

Establishment of Board.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedures of the Board and otherwise in relation thereto.

First Schedule.

4.—(1) The functions of the Board shall be—

Functions of the Board.

- (a) to register engineers;
- (b) to determine the categories of engineers to be registered under this Act;
- (c) to regulate the practice of engineering in Jamaica;
- (d) to ensure the maintenance of acceptable standards of professional conduct by persons registered as engineers under this Act.

(2) The Board shall have power—

- (a) to appoint examiners to conduct such examinations in respect of persons applying for registration as engineers as may from time to time be necessary under the provisions of this Act;
- (b) to prescribe the procedure to be followed in respect of disciplinary proceedings against engineers in relation to professional conduct; and
- (c) to do all such things as may appear to it to be necessary or desirable for carrying out its functions under this Act.

Registrar.

5. The Minister shall designate, by general notice, a person to be the Registrar of Professional Engineers who shall also be secretary of the Board.

The register.

6.—(1) The Board shall cause the Registrar to keep a register (to be known as the Register of Professional Engineers) of the names, addresses, qualifications and such other particulars as may be prescribed of all persons who are registered as engineers pursuant to this Act.

(2) The register shall have different parts for different categories of engineers as determined by the Board.

(3) The register shall be open to inspection by any member of the public at all reasonable times and a copy of the register shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

7.—(1) Every application for registration as an engineer under this Act shall be in the prescribed form signed by the applicant and delivered to the Registrar and shall set out the grounds on which and the category in which the applicant claims to be entitled to registration.

Application
for regis-
tration.

(2) The Board may require such evidence of identity or such verification of any matter alleged by the applicant or such further information relating to the application as it thinks requisite.

(3) Every application under this section shall be accompanied by the prescribed fee.

8.—(1) If the Board is satisfied in relation to any application for registration that—

Registra-
tion.

(a) the provisions of section 7 have been complied with; and

(b) the applicant is qualified for registration under the provisions of this section and section 9 or 24,

the Board shall register the applicant as an engineer in such category as the Board thinks appropriate and shall notify the applicant in writing accordingly and shall direct the Registrar to issue to him in the prescribed form a certificate of registration.

(2) For the purposes of registration under this Act, the Board may require any applicant to submit to such examination relating to his competence as an engineer as the Board thinks necessary.

(3) If the Board is not satisfied as to the eligibility of the applicant to be registered under this Act or as to his eligibility to be registered in the category in which he claims to be entitled to registration, it shall refuse to register the applicant or, as the case may be, in that category and shall notify him in writing accordingly and shall inform him of the right of appeal conferred by section 20.

21/1996
S. 3.

(4) Every person registered as an engineer under this Act and duly issued with a valid practising certificate shall be entitled to carry on the practice of engineering in the category in which he is registered in Jamaica and to demand and recover any reasonable charges for services rendered by him in that capacity.

Qualifications
for regis-
tration.

9. Every person shall be entitled to be registered as an engineer under this Act, in such category as the Board thinks appropriate, who satisfies the Board—

3/2005
S. 3(a).

(a) that he is a national of Jamaica or of another Member State or is ordinarily resident in Jamaica;

- (b) that he is of good character and reputation; and
- (c) that he fulfils one or more of the following requirements, namely—
- (i) that he is a member of, or holds a certificate granted by an institution, or other body recognized by the Board as having competence to approve qualification as an engineer or as the case may be in a category of engineering work;
 - (ii) that he is the holder of a certificate recognized by the Board as indicating some competence in some category of engineering work and has had at least two years practical experience in that category of engineering work (at least one year of which was in Jamaica or in any Member State) and has passed such examinations as may be required by the Board.

3/2005
S. 3(b).

10.—(1) Notwithstanding anything to the contrary, any person who comes within any of the categories of persons specified in the Second Schedule may, on application to the Board in the prescribed manner and on payment of the prescribed fee, be specially registered to carry on the practice of engineering in such category as may be approved by the Board for such time and on such conditions as the Board may with the approval to the Minister specify.

Special
registration.

Second
Schedule.

(2) The Minister may, after consultation with the Board, by order amend the Second Schedule so as to add to or remove any of the categories of persons specified therein.

Second
Schedule.

(3) Notwithstanding the removal of any category of persons from the Second Schedule, any person who at the time of such removal is registered pursuant to subsection (1) within that category shall, subject to the provisions of subsection (1), continue to be specially registered until the expiration of the period for which he was specially registered.

(4) The Registrar shall enter in a separate part of the register the names of all persons specially registered under this section.

(5) The Registrar shall issue to every person specially registered under this section a certificate of registration in the prescribed form which, to the extent specified therein, shall entitle that person to practise as a registered engineer.

Temporary
registration.

11.—(1) Where the Board is satisfied, upon the application of any person, that that person—

3/2005
S. 4.

- (a) is neither ordinarily resident in Jamaica, a national of Jamaica or a citizen of another Member State;
- (b) is or will be temporarily visiting Jamaica for the purpose of practising the profession of engineering at an institution or place in Jamaica in the capacity of a teacher or a research student or as the holder of a fellowship or other study programme or under a foreign assistance programme or in such other circumstances as the Board may approve; and
- (c) possesses sufficient knowledge and experience for the efficient practice of engineering in the capacity aforesaid,

the Board shall, on receipt of the prescribed fee, grant temporary registration to that person.

(2) The Board may, upon application and payment of the prescribed fee, grant temporary registration to any person, not ordinarily resident in Jamaica and not being a person to whom the provisions of subsection (1) applies, who satisfies the Board that he is or will be temporarily visiting Jamaica for the purpose of practising the profession of engineering and is otherwise qualified under paragraphs (b) and (c) of section 9.

(3) A temporary certificate of registration shall entitle the holder to practise the profession of engineering in such institution or place or in such circumstances and for such period in the first instance or any subsequent instance (not exceeding in the first instance two years) and subject to such terms and conditions as may be specified in the certificate at the direction of the Board.

(4) The names, addresses, qualifications and such other particulars as may be prescribed of all persons to whom temporary certificates of registration are issued under this section shall be entered in a separate part of the register.

(5) The Board may, from time to time, in its discretion, extend the period or vary the terms and conditions specified in any temporary certificate of registration.

(6) The Board shall have power to cancel, without notice, any temporary certificate of registration.

(7) During the period specified in any temporary certificate of registration or any extension thereof, the holder shall, unless the certificate has been cancelled, be deemed for the purposes of this Act to be a registered engineer.

12. Every person registered under this Act who, subsequent to his registration, obtains any degree, qualification or other designation relevant to the practice of engineering, shall be entitled, on payment of the prescribed fee, to have

Additional
qualifica-
tions.

such degree, qualification or designation inserted in the register in substitution for or in addition to those previously entered.

Corrections of register.

13.—(1) It shall be the duty of the Registrar—

- (a) to remove from the register any entry which the Board, pursuant to this Act, directs him to remove;
- (b) to restore to the register any entry which the Board, pursuant to this Act, directs him to restore;
- (c) to correct, in accordance with the Board's direction, any entry in the register which the Board directs him to correct as being in the opinion of the Board, an entry which was incorrectly made;
- (d) to remove from the register, with the approval of the Board, the name of any person who has died or who, not being a national of Jamaica or of another Member State, has, for a period of at least one year, ceased to be ordinarily resident in Jamaica or who has been issued with a temporary certificate of registration which has expired or has been cancelled or who, in accordance with any of the provisions of this Act, ceases to be a registered engineer;
- (e) to make, from time to time, any necessary alterations in any of the particulars mentioned in sub section (1) of section 6.

(2) If the Registrar—

- (a) sends by post to any person registered under this Act a registered letter, addressed to him at his address appearing in the register, enquiring whether he has ceased to practise as an engineer, or has changed his address and receives no reply to that letter within three months from the date of posting; and

3/2005
S. 5.

(b) upon the expiration of the period aforesaid sends in like manner to that person a similar letter and receives no reply to either letter within three months of the date of the second posting, the Board may direct the Registrar to remove from the register the name of that person.

(3) The Board may direct the Registrar to restore to the register any name removed therefrom pursuant to this section.

14.—(1) No person other than a registered engineer duly issued with a valid practising certificate or an authorized organization duly authorized under the provisions of section 16 shall be entitled to recover in any action any fee, charge, gratuity, remuneration or other reward for services rendered or offered as a professionally qualified engineer or authorized organization.

Entitlement
to recover
fees, etc.
21/1996
S. 4.

(2) Nothing in subsection (1) shall prevent any person from taking any action mentioned in that subsection in respect of anything lawfully done while such person was a registered engineer or authorized organization, as the case may be.

14A.—(1) Subject to subsection (2), no registered engineer shall carry on the practice of engineering unless he is the holder of a practising certificate issued by the Board, on payment to the Registrar of the prescribed fee.

Practising
certificate.
21/1996
S. 5.

(2) A person who is specially registered to carry on the practice of engineering pursuant to section 10 (1) shall, so long as he is so registered, be entitled to carry on such practice without being the holder of a practising certificate.

(3) A registered engineer may apply to the Board in the prescribed form for a practising certificate.

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(4) A practising certificate issued under this section shall be valid for the period specified therein and may be renewed on payment of the prescribed fee.

(5) Where the name of any registered engineer is removed from the register, any practising certificate issued to him shall immediately cease to be in force.

(6) Where a registered engineer is suspended from the practice of engineering, any practising certificate issued to him prior to such suspension shall cease to be in force during the period of his suspension.

Prohibitions
affecting
non-
registered
engineers.

15.—(1) Subject to section 16, with effect from such *date as the Minister may, by order, specify, no person unless he is a registered engineer shall, in Jamaica—

- (a) carry on the practice of engineering;
- (b) take or use, in relation to himself, the designation “engineer” either alone or in conjunction with any other words or initials in such manner as to imply that he is qualified to carry on the practice of engineering in Jamaica;
- (c) take or use, in relation to himself, any designation, title, name, initials or description indicating or implying that he is entitled to carry on the practice of engineering in Jamaica.

(2) A person shall be deemed to carry on the practice of engineering if he practises any branch of the profession of engineering or if, by verbal claim, sign, advertisement, letterhead, card or in any other way, represent himself to be an engineer or, through the use of some other title, implies that he is an engineer or that he is registered under this Act or holds himself out as being able to perform or does perform any engineering service or work.

*See L.N. 13/1997.

(3) For the purposes of this Act, a person, not being a registered engineer, does not carry on the practice of engineering by reason only that—

- (a) he does so in the course of his duties as an employee of a registered engineer or an authorized organization;
- (b) being an architect or land surveyor registered under such laws as may, for the time being, provide for the registration of architects or land surveyors, he engages in such engineering work as may be incidental to his practice as an architect or land surveyor, as the case may be;
- (c) being an employee of the Government who does not fall within the provisions of the Second Schedule, he does so in the course of his duties as such an employee.

Second
Schedule.

(4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate—

- (a) in the case of a first offence, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding six months;
- (b) in the case of a second or subsequent offence, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding twelve months.

3/2005
S. 7.

3/2005
S. 7.

16.—(1) No organization—

Organiza-
tions.

- (a) shall be entitled to be registered under this Act, except as provided in this section; or
- (b) shall engage in engineering work, unless it has a valid certificate of authorization issued pursuant to subsection (2).

(2) The Board may, upon receipt of an application in the

prescribed form, direct the Registrar to issue a certificate of authorization to any organization which satisfies the Board that—

- (a) the practice of engineering is or will be one of its principal functions; and
- (b) the practice of engineering is or will be carried out under the responsibility and supervision of at least one member or full-time employee of the organization who is a registered engineer in the category of engineering work being carried on or to be carried on by the organization.

(3) Every certificate of authorization issued in accordance with this section shall, subject to the provisions of this Act, be valid for a period of two years and shall entitle the holder thereof to carry on the practice of engineering, subject to such conditions as may be imposed by the Board.

(4) The name of every organization to which a certificate of authorization has been issued pursuant to this section shall be entered in a separate part of the register.

(5) Every application made pursuant to subsection (2) shall contain the following—

- (a) the names and addresses of every member of the organization;
- (b) the name and category of registration of any and every member or full-time employee of the organization who is a registered engineer and who will supervise and be responsible for the engineering work of the organization; and
- (c) the category, or categories in which the organization carries on or intends to carry on the practice of engineering.

(6) Any change in the particulars referred to in paragraph (a) or (b) of subsection (5) shall be notified to the Registrar within thirty days after the effective date of

such change and no change shall be made as respects the particulars referred to in paragraph (c) of that subsection without the prior approval of the Board.

(7) Every application made pursuant to subsection (2) shall be accompanied by the prescribed fee.

(8) Where an authorized organization ceases to have at least one member or full-time employee who is a registered engineer, in such category as is relevant to the work of the organization, and who supervises and is responsible for that category of the engineering work of the organization, the Registrar shall amend or, as the case may be, cancel the registration and certificate of authorization as may be necessary to ensure that the authorization is limited to engineering work of the organization which is properly supervised by a registered engineer.

(9) Where the Board is satisfied that an authorized organization has failed to observe any of the provisions of this section or has knowingly made any false statement or supplied any false information or document in support of its application for such certificate of authorization or has been guilty of conduct that would, in the case of a registered engineer, have been professional misconduct, the Board shall have power to suspend or cancel the certificate of authorization and to direct the Registrar to remove its name from the register.

(10) Any person who is a registered engineer and is a member or full-time employee of an organization which he knows engages in the practice of engineering in any category without a valid certificate of authorization issued by the Board as respects that category or in violation of any condition imposed by this Act or by the Board shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding six months.

3/2005
S. 7.

(11) Where an organization contravenes the provisions of paragraph (b) of subsection (1) or subsection (6)—

- (a) it shall be guilty of an offence against this section; and
- (b) any person who at the time of the contravention was a partner or a director, general manager, secretary or similar officer of that organization or was purporting to act in any such capacity shall be liable to be prosecuted for an offence against this section as if he had personally committed that offence and shall, if on such prosecution it is proved to the satisfaction of the court that he consented to or connived at or did not exercise all such reasonable diligence as he might in the circumstances have exercised to prevent the offence, having regard to the nature of his functions in that capacity and to all the circumstances, be also guilty of an offence against this section.

(12) A person guilty of an offence against this section shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding six months.

Improper
registration.

17. If any person who is registered as an engineer has, in the opinion of the Board, improperly obtained such registration, the Board shall have power—

- (a) where such registration was obtained on the basis of any statement, information or document supplied by that person which he knew at the time to be false, to cancel such registration and to refuse to grant registration on any subsequent application;

- (b) where such registration was obtained on any basis other than that specified in paragraph (a), to require the person registered to submit, within a period of three months of being so required or such longer period as the Board may permit, a new application in accordance with the provisions of this Act and, if he fails to do so, to cancel such registration.

PART III—Discipline

18.—(1) The Board shall appoint, from among persons who are registered engineers but who are not members of the Board, a Disciplinary Committee consisting of such number of persons, not being less than five nor more than seven as the Board thinks fit. Disciplinary
Committee.

(2) The provisions of the Third Schedule shall have effect with respect to the constitution of the Disciplinary Committee and otherwise in relation thereto. Third
Schedule.

(3) The Disciplinary Committee shall investigate and hear evidence in relation to any matter concerning the conduct of a registered engineer or authorized organization and shall report its findings and recommendations to the Board.

(4) The Board may make rules for regulating the presentation, hearing and determination of matters by the Disciplinary Committee and for reports to the Board.

19.—(1) On receipt of a report from the Disciplinary Committee, if the Board finds any person or organization registered under this Act— Disciplinary
powers of
the Board.

- (a) to have procured registration under this Act, as a result of any misleading, false or fraudulent misrepresentation; or

- (b) to be guilty of dishonesty, negligence or incompetence; or
- (c) to be guilty of disgraceful or improper conduct in a professional respect; or
- (d) to have carried on the practice of engineering without a valid practising certificate,

21/1996
S. 6 (b).

the Board may—

- (i) censure or reprimand such person or organization;
- (ii) suspend such person or organization from the practice of engineering for a period not exceeding two years;
- (iii) impose such conditions as the Board may specify concerning the practice of engineering of such person or organization;
- (iv) declare that such person or organization is, in its opinion, unfit to be registered as an engineer or authorized organization under this Act and may give a written order to the Registrar to cancel the registration of such person or organization and the Registrar shall comply with the order forthwith and send a true copy of the order to the person or organization by registered post to the last known address of such person or organization.

(2) Any person or organization, as the case may be, whose registration has been cancelled or who has been suspended by the Board, or upon whom the Board has imposed specific conditions and who, after such cancellation or during such suspension or while such conditions remain in force, practises the profession of engineering or does so in violation of the conditions imposed by the Board, as the case

may be, shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment. 3/2005
S. 7.

(3) The Board may reinstate any person or organization, as the case may be, whose registration has been cancelled and may order that the name of such person or organization be restored to the register

20.—(1) Any person or organization that is dissatisfied with any determination of the Board in relation to an application for registration under this Act or with any order of the Board based on a report made by the Disciplinary Committee may appeal from that determination or order to a Judge in Chambers. Appeals.

(2) On any such appeal, the facts may be proved by affidavit unless the Judge orders otherwise.

(3) The appeal shall be instituted and notice thereof given to the Board not later than ninety days or such longer period as a Judge may, in any case, allow, after the determination or order of the Board has been communicated in writing to the appellant.

(4) In deciding an appeal, the Judge may substitute his own opinion for the opinion of the Board upon any matter and may, in his own discretion, order the Board to take any action for which it is empowered under this Act.

21. The Board may, with the approval of the Minister, make rules in relation to the promotion by the Board, in the public interest, of acceptable standards of professional Rules made
by Board.

conduct among registered engineers and authorized organizations and, without prejudice to the generality of the foregoing, such rules may prescribe a code of professional conduct to be observed by all registered engineers and authorized organizations and may make provision with respect to any other thing prescribed by regulations for the purposes of this Act.

PART IV—Miscellaneous

Evidential
provisions.
21/1996
S. 7.

22. A certificate of registration, practising certificate or certificate of authorization purporting to be issued by the Registrar shall be *prima facie* evidence in all courts and before all persons of the facts therein certified without further or other proof thereof.

Regulations.

23. The Minister may, after consultation with the Board, make regulations generally for giving effect to the purposes and provisions of this Act and, in particular but without prejudice to the generality of the foregoing, may make regulations in relation to all or any of the following matters—

- (a) prescribing the qualifications and requirements which shall be a prerequisite for registration under this Act;
- (b) prescribing the form of and method of keeping the register;
- (c) prescribing the forms of applications, certificates and other documents required under this Act;
- (d) prescribing the fees payable to the Board in respect of any application, examination or registration under this Act or any alteration of or addition to the register or certificate or copy thereof issued pursuant to this Act;

- (e) providing for the issue of certificates and seals to registered engineers and authorized organizations;
- (f) providing for examinations to be conducted for the purposes of registration under this Act and prescribing the subject matter of such examinations, the standards required to be attained by successful candidates and the manner in which and times when such examinations will be conducted;
- (g) regulating the procedure of the Board;
- (h) providing for the service of documents under or for the purpose of any provision of this Act;
- (i) providing for the surrender of seals and certificates;
- (j) providing for the stamping of drawings, plans or other documents by registered engineers;
- (k) providing for such other matters as may be required for the efficient discharge by the Board of its duties and functions under this Act.

23A. The Minister may, by order subject to affirmative resolution, amend or vary any penalty or fine under this Act.

Minister may amend penalties, etc., by order.
3/2005
S. 6.

PART V—*Transitional*

24.—(1) Notwithstanding anything to the contrary, on application made to the Board within one year from the 2nd day of November, 1987, or such longer period as the Minister may, by order, prescribe, a person who does not possess the requirements specified in section 9 shall be entitled to be registered as an engineer under this Act in such category

Registration of persons practising as engineers at the commencement of this Act.

as the Board thinks appropriate, if he satisfies the Board that he—

- (a) is a citizen of Jamaica or is ordinarily resident in Jamaica;
- (b) has passed such examinations as may be required or approved by the Board;
- (c) has had not less than ten years of such experience in engineering work or, as the case may be, a category thereof as the Board may approve; and
- (d) is a fit and proper person to be registered as an engineer.

(2) For the purpose of determining whether a person satisfies the requirements of subsection (1), the Board may conduct such investigation as it considers necessary relating to the competence and experience of the applicant in engineering work to which his application relates and may require the applicant to undergo written or oral examination to establish that competence.

FIRST SCHEDULE

(Section 3 (2))

1.—(1) The Board shall consist of not less than five nor more than nine members, of which such number being two less than the full complement shall be registered engineers, appointed by the Minister after consultation with the Jamaica Institution of Engineers, so, however, that for the purpose of the first constitution of the Board, the provisions of this paragraph shall apply as if any reference therein to registered engineers were a reference to the members of the Jamaica Institution of Engineers. Constitution of the Board.

(2) The appointment of each member of the Board shall be for a period not exceeding two years and any such member shall be eligible for reappointment.

2.—(1) The Board shall elect one of its members to be Chairman and any such member shall be eligible for re-election as Chairman from time to time. Chairman.

(2) The Chairman shall, so long as he remains a member of the Board, hold office until his successor is elected.

(3) An election of Chairman, other than the first such election, shall be held at the first meeting of the Board held after the 1st day of January in each year.

(4) The Chairman of the Board shall preside at all meetings of the Board and if at any meeting of the Board the Chairman is absent or unable to act, the members present and constituting a quorum shall elect from among themselves a member to act as Chairman in respect of that meeting.

3. If any member of the Board is, for whatever reason, unable to perform his functions as a member of the Board for a period in excess of one month, the Minister may appoint a person to act in the place of such member provided that such appointment shall be made in such manner and from among such persons as would be required in the case of a substantive appointment. Members.

4.—(1) Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date specified therein or, if no date is specified, the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board. Resignations.

(2) The Chairman may at any time resign his office as Chairman by instrument in writing addressed to the Minister and such resignation shall take effect from the date specified therein or, if no date is specified, the date of receipt by the Minister of such instrument.

(3) The Minister, on receipt of the resignation of the Chairman, as aforesaid, shall as soon as possible thereafter notify the secretary

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who shall convene a special meeting of the Board for the purpose of electing a new Chairman.

Filling of vacancies.

5. If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Publication of membership in Gazette.

6. The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*.

Seal of Board.

7.—(1) The seal of the Board shall be kept in the custody of the Chairman or secretary thereof and shall be affixed to instruments pursuant to a resolution of the Board.

(2) The seal of the Board shall be authenticated by the signature of the Chairman or any person performing the duties of Chairman and shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by and all decisions of the Board may be signified under the hand of the Chairman or any other member authorized to act in that behalf or, with the approval of the Board, by the secretary.

Meetings.

8.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any three members of the Board.

(3) The quorum of the Board shall be determined by the Board but shall be not less than one-half of the membership.

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

(5) Minutes in proper form of each meeting of the Board shall be kept by the secretary.

(6) The validity of the proceedings of the Board shall not be affected by virtue of any vacancy among the members thereof or any defect in the appointment of a member thereof.

(7) Subject to the provisions of this Schedule or any regulations, the Board may regulate its own proceedings.

9.—(1) The Board may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Board may determine, so, however, that no such committee shall have the power to make rules. Committees.

(2) The constitution of each committee appointed as aforesaid shall be determined by the Board.

10.—(1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board. Liability of Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member were a servant or agent of the Board.

11. There shall be paid from the funds of the Board to the Chairman and other members of the Board such remuneration whether by way of honorarium, salary or fees and such allowances as the Minister may determine. Remuneration.

12. The office of Chairman or member of the Board shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica. Exclusion of Chapter V of Constitution.

13. The Board shall appoint auditors who shall audit the accounts of the Board and submit an annual report to the Chairman who shall forthwith transmit the report to the Minister. Auditors.

SECOND SCHEDULE

(Section 10)

Categories of persons who may be specially registered as engineers

1. Any person holding the position or performing the duties of City Engineer of the Kingston and St. Andrew Corporation.

2. Any person holding the position or performing the duties of Superintendent of Roads and Works of any Parish Council.

3. Employees in the service of the Government who are engaged in an engineering capacity and who satisfy the Board that they possess the knowledge, experience or qualification necessary for the practice of engineering in that service.

4. Persons on the staff of the —

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(a) University of the West Indies;

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(b) University of Technology, Jamaica; or

(c) Other institution in Jamaica approved by the Minister,

and who are engaged in a teaching or research capacity in engineering work or any branch thereof.

THIRD SCHEDULE

(Section 18 (2))

The Disciplinary Committee

1. The members of the Disciplinary Committee shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Board may determine and shall be eligible for reappointment.

2.—(1) The Board shall appoint one of the members of the Committee to be Chairman thereof.

(2) The Chairman of the Committee shall preside at all meetings of the Committee and if at any meeting he is absent or unable to act, the members present and constituting a quorum shall elect from among themselves a member to act as Chairman in respect of that meeting.

3. The Board may appoint any person who would be eligible for appointment as a member of the Committee in accordance with subsection (1) of section 20 to act temporarily in the place of any member of the Committee, who for whatever reason, is unable to perform his functions as a member of the Committee.

4.—(1) Any member of the Committee may at any time resign his office by instrument in writing addressed to the Chairman of the Board and from the date specified therein or, if no date is specified, the date of the receipt by the Chairman of the Board of such instrument such Chairman shall cease to be Chairman of the Committee.

(2) The Chairman of the Committee may at any time resign his office as Chairman by instrument in writing addressed to the Chairman of the Board and from the date specified therein or, if no date is specified, the date of the receipt by the Chairman of the Board of such instrument such Chairman shall cease to be Chairman of the Committee.

5. The Board may at any time revoke the appointment of the Chairman or any other member of the Committee.

6. The names of all members of the Committee as first constituted and every change in membership thereof shall be published in the *Gazette*.

7.—(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at

such places and times and on such days as the Committee shall determine.

(2) The quorum of the Committee shall be such number as is two less than the full complement of the Committee.

(3) Subject to the provisions of this Schedule and to any rules made by the Board, the Committee shall have power to regulate its own proceedings.

(4) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereof.