

CHAPTER 153

THE ENGINEERS (REGISTRATION) ACT

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 ENGINEERS (REGISTRATION)

An Act to make provisions for the registration, practice and discipline of engineers and matters connected therewith or incidental thereto.

(1st February, 1987.)

37/1986.

Part I Preliminary

1. This Act may be cited as the Engineers (Registration) Act. **Short title.**

2. (1) In this Act— **Interpretation.**

"Board" means the Engineers' Registration Board established under section 3;

"Chairman" means the chairman of the Board;

"engineering" means the advising and reporting on, the designing, inspection and construction of any of the works, operation or other matters set out in the Third Schedule; **Third Schedule.**

"Minister" means the member of Cabinet for the time being responsible for Legal Affairs;

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

"Registrar" means the Registrar of the High Court;

"Secretary" means the Secretary of the Board.

(2) The Minister may, on the recommendation of the Board, amend the Third Schedule by the addition thereto or the deletion therefrom of any works, operations or other matters.

Part II Registration

Establishment of the Board.

3. (1) For the purposes of this Act there is established a Board to be known as the Engineers' Registration Board which shall be a body corporate to which the provisions of section 22 of the Interpretation Act shall apply.

Cap. 224.

First Schedule.

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

Engineers' register.

4. (1) The Registrar shall keep a register to be known as the Engineers' Register in which he shall cause to be entered the name, address, qualifications and such other particulars as may be prescribed, of every person who is entitled to be registered as an engineer under this Act.

(2) The register shall be open to inspection by any member of the public at all reasonable times.

(3) After the commencement of this Act every person who is qualified to be registered as an engineer under this Act and desires to practise as such in Antigua and Barbuda shall in the month of January in every year cause his name to be entered by the Registrar in the register and on payment of the prescribed fee is entitled to obtain a certificate of such registration.

Application for registration.

5. An application for registration shall be in writing signed by the applicant and delivered to the Secretary of the Board and shall set out—

(a) evidence of the applicant's qualifications and experience;

(b) proof of his identity;

and the statements made in the application shall be verified by statutory declaration.

Reciprocity.

6. (1) The Board may, upon application, register as an engineer any person who furnishes satisfactory proof—

(a) that he resides out of Antigua and Barbuda;

(b) that he is registered as an engineer in another country whose requirements for registration are no less

exacting than those required for registration in Antigua and Barbuda;

(c) that reciprocal arrangements exist between the Registration Boards of Antigua and Barbuda and that other country;

(d) that he has obtained the necessary work permit under the Antigua and Barbuda Labour Code.

7. (1) Notwithstanding anything to the contrary in this Act, if the Board is satisfied that any person— **Registration of Consulting Specialists.**

(a) is not normally resident in Antigua and Barbuda;

(b) is a Consulting Specialist in a field of engineering who has not less than ten years experience in the practice of his profession;

(c) has qualifications at least equal to those required for registration as an engineer in Antigua and Barbuda; and

(6) has obtained the necessary work permit under the Antigua and Barbuda Labour Code;

such person may be registered as an engineer and on payment of the prescribed fee is entitled to obtain a certificate of such registration.

(2) A certificate issued under this section shall specify therein the work upon which and the name of the employer in Antigua and Barbuda by whom the holder of the certificate is to be employed and the period for which it is issued, but in no case shall the period extend beyond the calendar year in which the certificate is issued.

(3) The names of persons to whom certificates of registration are issued under this section shall appear in a separate part of the register.

8. (1) Notwithstanding section 9, the Registrar may issue a certificate of registration to a person holding a position in Government at the time of commencement of this Act which would ordinarily be occupied by an engineer and providing that such registration shall entitle that person to **Registration of certain existing Government practitioners.**

practise only the engineering which specifically relates to that position.

(2) Every such certificate shall be renewable annually after the commencement of this Act.

(3) The holder of any such certificate shall be deemed to be registered as an engineer for the specific purposes as indicated in subsection (1).

(4) The Registrar may cancel any certificate issued under this section at any time on the direction of the Board.

(5) No fee shall be payable in respect of any registration under this section or in respect of the issue of any certificate thereunder.

(6) The names of persons to whom certificates are issued under this section shall appear in a separate part of the register.

Qualifications for registration.

9. (1) Every person is entitled to be registered as an engineer under this Act if on application made to the Board he satisfies the Board that—

- (a) he is resident in Antigua and Barbuda;
- (b) he is a fit and proper person to practise engineering in Antigua and Barbuda;
- (c) he is not less than twenty-one years of age;
- (d) he has been awarded—
 - (i) a degree in engineering by the University of the West Indies; or
 - (ii) a degree, diploma or other qualification from a university or other place of learning, that in the opinion of the Board, is evidence of satisfactory training in engineering; and
- (e) that he has had at least four years of such experience in engineering as the Board approves;

Registration of certain existing practitioners.

10. (1) Notwithstanding section 9, any person who does not possess the qualifications specified in that section,

but who, on application made to the Board within one year of the commencement of this Act, satisfies the Board that—

(a) he has not less than ten years' experience in the practice of engineering in a responsible position; and

(b) he is a fit and proper person to be registered as an engineer,

is entitled to be registered as an engineer.

(2) In determining whether a person satisfies the requirements of subsection (1) the Board may conduct such investigation relating to the experience in engineering of such person as it considers necessary and may require such person to undergo a written or oral examination in engineering or both such written and oral examination.

(3) A decision of the Board with respect to the entitlement of a person to be registered under this section is final.

11. Every person registered under this Act, who obtains any higher degree, or any qualification other than the qualification in respect of which he was registered, is entitled on payment of the prescribed fee to have such higher degree or additional qualification inserted in the register, in substitution for, or in addition to the qualification previously registered.

Additional degrees and diplomas may be entered in register.

12. The Registrar shall—

Corrections of register.

(a) delete from the register the names of all persons registered under this Act who are deceased or are no longer qualified to practise engineering;

(b) restore to the register any entry which the Board, pursuant to this Act, directs him to restore;

(c) cause to be made in the register such alterations and additions relating to particulars of registered engineers as may from time to time become necessary.

13. A person registered under this Act shall be entitled—

Registered engineers entitled to practise engineering.

(a) on payment of the prescribed fee to receive from the Registrar a certificate in the form approved by the

Board to practise engineering in Antigua and Barbuda;

(b) to demand and recover reasonable remuneration for engineering services rendered;

(c) to use the title "Engineer" or any abbreviation thereof against his name.

Permitted practice by persons not registered as engineers.

14. Nothing in this Act shall prevent a person, who is not a registered engineer, from—

(a) practising his profession, trade or calling as an architect, bacteriologist, chemist, geologist, mineralogist, physicist, land surveyor;

(b) operating, executing or supervising any engineering works as owner, contractor, superintendent, foreman, technician, inspector or master, where interests of public safety are not likely to be affected;

(c) performing as a member of the armed forces of the Crown, duties involved in the practice of engineering or require any such person to become registered under this Act for the purpose of doing anything mentioned in this section.

Validity of engineers' certificate.

15. After the commencement of this Act no certificate required by any enactment to be signed by an engineer is valid unless the person signing it is registered under this Act.

Unregistered person not entitled to recover remuneration for practice of engineering.

16. A person other than a registered engineer is not entitled to recover in any action, any fee, charge, gratuity or remuneration for the practice of engineering.

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Prohibitions affecting non-registered engineers re practice as engineers.

17. (1) With effect from the expiration of the period of six months, or such longer period as the Minister may by order specify, from the date of commencement of this Act, no person, unless he is a registered engineer, shall in Antigua and Barbuda—

(a) practice engineering;

(b) 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 practise the profession of engineering in Antigua and Barbuda;

(c) use, in relation to himself, any designation, title name, initials or description indicating or implying that he is entitled to practise the profession of engineering in Antigua and Barbuda;

(2) Any person who contravenes the provisions of this section is guilty of an offence and is liable on summary conviction—

(a) in case of a first offence to a fine of five thousand dollars and imprisonment for a term of six months; and

(b) in case of a second or subsequent offence to a fine of ten thousand dollars and to imprisonment for a term of twelve months.

18. A partnership, association or corporation may practise engineering in its own name:—

Partnerships, associations or corporations.

(a) if one of its principal and customary functions is to practise engineering; and

(b) if the practice of engineering is done under the responsibility and supervision of a member of the partnership or association or a director of the corporation, or a full-time employee of the partnership, association or corporation, who in any case is a registered engineer.

19. (1) The Board may, if it considers that a person registered as an engineer has improperly obtained such registration, require such person to apply to be properly registered under this Act.

When and how persons may be required to register.

(2) If for a period of three months, or such longer period as the Board allows, such person fails without reasonable excuse to apply to be properly registered the Board may cause the name of such person to be struck off the register.

Part III Discipline

20. (1) The Board shall appoint from among persons who are registered engineers a Disciplinary Committee

Disciplinary committee.

consisting of such number of persons, not being more than five, at least three of whom shall be members of the Board.

**Second
Schedule.**

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

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

**Disciplinary
powers of the
Board.**

21. On receipt of a report from the Disciplinary Committee the Board may, as it thinks just, make any such order as to—

(a) striking off the register the name of the registered person to whom the report relates, or suspending him from practice on such conditions as the Board may determine, or imposing on him such fine the Board may think proper, or subjecting him to a reprimand;

(b) the payment by any party of costs of such sum as they may consider a reasonable contribution towards costs;

(c) the payment by the registered person of any such sum by way of restitution or compensation as they may consider reasonable.

**Practice during
suspension an
offence.**

22. Any engineer whose registration has been cancelled or who has been suspended by the Board under the provisions of section 21, but who nevertheless during the period of his suspension practises engineering in Antigua and Barbuda, for which he demands or receives any fee, gratuity or remuneration, is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a term of one year.

Appeal.

23. (1) Any person who is dissatisfied with any determination of the Board on his 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.

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

(3) The appeal shall be instituted, and notice thereof given to the Board, not later than twenty-eight days after the Board's determination or order has been communicated in writing to the applicant or such longer period as the Board may in any case allow.

(4) In deciding an appeal the Judge may substitute his own opinion for the opinion of the Board upon any matter and may exercise his own discretion over any matter confided to the discretion of the Board or the Disciplinary Committee by this Act.

Part IV Miscellaneous

24. The Registrar shall at such times as may be prescribed, cause to be published annually in the *Gazette* current lists of registered engineers.

Publication in Gazette of particulars relating to the register.

25. A certificate of registration issued by the Registrar is *prima facie* evidence of the facts therein certified.

Evidence.

26. 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—

Regulations.

(a) prescribing the form of and the method of keeping the register;

(b) prescribing the form of applications, certificates and other documents required under this Act;

(c) prescribing the fees payable in respect of any examination and of registration under this Act, in respect of any other alteration of or addition to the register; and also prescribing fees for the issue of certificates of registration, and other certificates, and for copies of certificates, and for inspection of the register and in respect of any other matter under this Act;

(d) providing for the issue to registered engineers of seals and annual practicing certificates, and prescribing the fee payable therefor;

(e) providing for examinations to be conducted for the purpose of registration under this Act, and prescribing the subject matter of those examinations, the standards required to be attained by successful candidates, and the manner in which and the time when examinations will be held;

(f) regulating the procedure of the Board whether in relation to disciplining of engineers or otherwise;

(g) providing for a review by the Board of charges made by persons registered under this Act;

(h) prescribing fines not exceeding \$5,000 and in the case of a continuing offence a further fine not exceeding \$200 for every day during which this offence has continued, for the breach of any regulation made under this section;

(i) providing for the service of documents under or for the purposes of any provisions of this Act;

(j) providing for the stamping of drawings or other documents by an engineer;

(k) providing for the surrender of seals and certificates of registration;

(l) providing for a code of professional conduct for engineers;

(m) providing for such other matters as may be necessary for the efficient discharge by the Board of its duties and functions under this Act.

FIRST SCHEDULE

Section 3

Constitution and Procedure of the Board

1. The Board shall consist of the following—
 - (a) the Director of Public Works *ex officio*;

(b) one member, being an engineer, appointed by the Minister;

(c) five members, being engineers appointed by the Minister after consultation with an association of engineers recognised by the Minister as representing engineers, or in the absence of such association with any person recognised by the Minister as representing engineers.

(2) The appointment of all members of the Board shall be for a period of two years, and any such member shall be eligible for re-appointment, but shall not serve for more than six consecutive years.

2. The Minister shall appoint one of the appointed members of the Board to be the Chairman of the Board. **Chairman.**

3. (1) If the Chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of the Chairman or such other member. **Acting appointments.**

(2) Where the power to appoint a person to act in an office is being exercised pursuant to this paragraph, such appointment shall be made in such manner and from among such persons as would be required in the case of a substantive appointment.

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 of receipt by the Minister of such instrument such member shall cease to be a member of the Board. **Resignation.**

(2) The Chairman of the Board may at any time resign his office as Chairman by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

5. The Minister may revoke any appointment made under this Schedule. **Revocation of appointment.**

6. 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 so, however, that the appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member. **Filling of vacancies.**

Publication of membership in the Gazette.

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

Seal.

8. (1) The Seal of the Board shall be kept in the custody of the Chairman or the Secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman or any other two members 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 hands of the Chairman, or any other member authorized to act in that behalf, or the Secretary.

Meetings.

9. (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 Chairman of the Board shall preside at all meetings of the Board at which he is present, and in the case of the Chairman's absence from any meeting the members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

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

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

(6) Minutes in proper form of each meeting of the Board shall be kept.

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

(8) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

10. (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 shall be determined by the Board.

11. (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. **Protection of members.**

(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 an agent of the Board.

12. 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.**

SECOND SCHEDULE

Section 20

The Disciplinary Committee

1. The members of the Committee shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Board determine and shall be eligible for re-appointment. **Tenure of Office.**

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

(2) If the Chairman of the Committee is absent or unable to act, the Board may appoint another member to act in his place.

3. The Board may appoint any person who would be eligible for appointment as a member of the Committee in accordance with section 20 to act temporarily in the place of any member **Acting appointments.**

of the Committee in the case of the absence or inability to act of such member.

Resignation.

4. (1) Any member of the Committee other than the chairman may at any time resign his office by instrument in writing addressed to the Board and transmitted through the Chairman, who shall forthwith cause it to be forwarded to the Board and, from the date of the receipt by the Board of such instrument, such members shall cease to be a member of the Committee.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Board and, from the date of the receipt by the Board of such instrument, such Chairman shall cease to be Chairman of the Committee.

Revocation of appointment.

5. The Board may, if it thinks it expedient to do so, at any time revoke the appointment of the Chairman or any other member of the Committee.

Publication of membership in the Gazette.

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

Meetings.

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 such days as the Committee shall determine.

(2) The quorum of the Committee shall be three.

(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 amongst the members thereof or by any defect in the appointment of a member thereof.

THIRD SCHEDULE

Section 2

The engineering aspects of—

(a) any public utility;

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- (b) industrial, harbour, drainage, irrigation, sewerage sanitation and hydraulic works;
 - (c) industrial processes;
 - (d) railways, tramways, bridges, tunnels, roads, canals and river improvements;
 - (e) lighthouses, wet, dry and floating docks;
 - (f) cranes, dredges, hoists, lifts and winches;
 - (g) waterworks;
 - (h) incinerators;
 - (i) power transmissions, electric lighting and electrical communications systems and equipment;
 - (j) any electrical apparatus or machinery;
 - (k) electronics;
 - (l) mineral property of mining operations of any kind;
 - (m) smelters, refineries, metallurgical machinery and equipment;
 - (n) boilers and their auxiliaries;
 - (o) steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures;
 - (p) chemical machinery;
 - (q) airports;
 - (r) all ships of more than 50 tons gross classified or unclassified, their propulsion units and safety of life at sea equipment;
 - (s) building:—
 - (i) consisting of, or designed for more than 1 storey
 - (ii) constructed or used for the purpose of carrying on a business, or
 - (iii) being places to which the public have or may have access;
 - (t) any other operation, works or matter related to the items contained in this Schedule.
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