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TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS — NIL**

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS —** BILL No. 21 of 2024 – The Engineers Act 2024 … … 399

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THE OFFICIAL GAZETTE 17TH DECEMBER, 2024
LEGAL SUPPLEMENT — C

BILL No. 21 of 2024

Tuesday 17th December, 2024

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

17th December, 2024.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 21 of 2024

ENGINEERS BILL 2024

ARRANGEMENT OF SECTIONS

Section

PART I
PRELIMINARY

1. Short title.
2. Interpretation.

PART II
ADMINISTRATION

3. Establishment of the Engineers Registration Board.
4. Responsibilities of the Board.
5. Purpose and functions of the Board.
6. Term of Office
7. Meetings and Quorum
8. Proceedings of the Board
9. Appointment of the Chairperson and Deputy Chairperson
10. Resignation and Vacation of office
11. Vacancies
12. Committees of the Board.
13. Qualification and Assessment Committee.
14. Complaints and Investigations Committee.
15. Disciplinary Committee.
16. Delegation by the Board
17. Remuneration of Board Members
18. Appointment of the Registrar
19. Functions of the Registrar
20. Independence of the Board.
21. Code of Ethics

PART III
ELIGIBILITY AND REGISTRATION

22. Requirement for registration.
23. Requirement for registration for architect.
24. Application for registration.
25. Eligibility for registration.
26. Categories of registration
27. Issuance of the Certificate of registration
28. The Register
29. Additional Qualifications
30. Amendment of Register
31. Removal from Register
32. Publication
33. Refusal to Register
34. Request for Additional information
35. Application for reconsideration of decision.
36. Duration of registration.
37. Registration of Foreign engineers
38. Temporary registration.

PART IV
COMPLAINTS AND DISCIPLINE BY THE BOARD

39. Complaints
40. Power of the Board to investigate
41. Form and conduct of investigation
42. Referral to committees for investigation
43. Report on investigations to the Board
44. Determination of the Board
45. Measures for criminal conviction
46. Measures for contraventions of the Act
47. Striking off the register
48. Additional measures
49. Effect of suspension and cancellation
50. Commencement of measure
51. Appeal

PART V
OFFENCES AND PENALTIES

52. Professional Misconduct
53. False or fraudulent misrepresentation
54. Wrongful use of title

55. Fraudulently holding registration
56. No restriction on pro bono assistance

PART VI
MISCELLANEOUS

57. Recovery of Fees and cost
58. Limitation of Actions
59. Notification of action and trial
60. Certificate to be signed by registered engineer
61. Evidence of Registration
62. Confidentiality
63. Application Fee
64. Annual Fee
65. Insurance
66. Account and Audit
67. Funds of the Board
68. Subsidiary Legislation

FIRST SCHEDULE	Constitution of the Engineering Registration Board
SECOND SCHEDULE	Code of Ethics and Practice for Engineers
THIRD SCHEDULE	Proceedings Before the Complaints and Investigations Committee
FOURTH SCHEDULE	Proceedings Before the Disciplinary Committee
FIFTH SCHEDULE	Distinction Between the Practice of Engineering and Architecture
SIXTH SCHEDULE	Countries for Recognised Registration
SEVENTH SCHEDULE	Specialised Areas of Engineering
EIGHTH SCHEDULE	Certificate of Registration to Practice as an Engineer

A BILL
Intituled

AN ACT to provide for the registration and regulation of persons in the practice of engineering in Guyana and for related matters.

A.D.2024

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Engineers Act 2024.

Interpretation

2. In this Act-

"Association" means the Guyana Association of Professional Engineers established as a company limited by guarantee under the Companies Act;

Cap 89:01

"Board" means the Engineering Registration Board established under section 3;

"Chairperson" means Chairperson of the Board;

"Engineer" means a person who is registered as an engineer under section 25;

"Engineering" means a service or work which requires the application of mathematical and scientific study, experience, skill and judgment towards developing ways to utilise the materials and forces of nature to support various activities and includes -

(a) consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;

(b) design, conceptual design, or conceptual design coordination of engineering works or systems;

(c) development or optimization of plans and specifications for engineering works or systems;

(d) planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;

(e) responsible charge of engineering teaching or the teaching of engineering;

(f) performing an engineering survey or study;

(g) engineering for construction, alteration, or repair of real property;

(h) engineering for preparation of an operating or maintenance manual;

(i) engineering for review of the construction or installation of engineered works to monitor compliance with drawings or specifications;

(j) a service, design, analysis, or other work performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product;

(k) equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature;

(l) providing an opinion or analysis related to any of the paragraphs from (a) to (k) or any other professional service necessary for the planning, progress, or completion of an engineering service referred to in paragraphs (a) to (j);

"Graduate engineer" means a person who is a graduate of a recognized engineering college or university and has less than three years of work experience;

"Minister" means the Minister responsible for public works;

"Ministry" means the Ministry of Public Works;

"Professional engineer" means a person who may have been registered as a graduate engineer and holds a professional and academic qualification and has obtained more than three years of practical experience;

"Register" means the Register of Engineers referred to in section 28;

"Registrar" means the Registrar appointed under section 18;

"Specialist or Consulting Engineer" means a person who has practised in a specialised engineering field as a professional engineer and has satisfied the requirements of s. 26(3).

PART II
ADMINISTRATION

Establishment of the Engineers Registration Board

3. (1) There is established a body corporate to be known as the Engineering Registration Board appointed by the Minister and consisting of -

(a) four registered engineers nominated by and holding membership of the Association;

(b) two public officers who are registered or are eligible to be registered as engineers, at least one of whom is from the Ministry of Public Works;

(c) a representative of the Faculty of Engineering of the University of Guyana; and

(d) two persons appointed to represent the public interest.

(2) A person appointed to the Board under (a) and (b) shall have been engaged in the practice of engineering for at least ten (10) years.

(3) Only citizens of or persons who are ordinarily resident in Guyana shall be appointed to the Board.

Responsibilities of the Board

4. The Board shall be responsible for the management and administration of matters related to the profession of engineering.

Purpose and Functions of the Board

5. (1) The purpose of the Board is to -

(a) promote, maintain and improve the standards, professional conduct and proficiency of the practice of engineering; and
(b) protect and assist the public in all matters relating to the practice of engineering.

(2) The functions of the Board include -

(a) the assessment of qualifications and experience of persons applying for registration as registered engineers in accordance with the provisions of this Act;
(b) the registration and issuance of certificates of registration;
(c) the determination of the categories of registration of engineers qualified to practise engineering;
(d) the regulation of persons who are registered to practise engineering;
(e) the formulation, promotion and review of professional standards and codes of conduct for the profession of engineering;
(f) monitoring adherence to and investigating breaches of the Code of Ethics and Practice for Engineers set out in the Second Schedule;
(g) the investigation of complaints of misconduct of an engineer and contraventions of this Act;
(h) the imposition of appropriate sanctions in accordance with the Act, including suspension or revocation of registration, as necessary;
(i) the consultation with or provision of advice to the Government on legislative and policy matters relating to the practice of engineering and to its purpose and functions;
(j) the initiation of, promotion of or participation in training and other programmes for the improvement or development of the practice of engineering;
(k) the maintenance of detailed records of registered engineers and maintenance of the Register; and
(l) to do all such things as may appear to it to be necessary or desirable for carrying out its functions under this Act.

Term of Office

6. A person appointed to the Board under s.3(1) holds office for a term of three years but may be eligible for reappointment for a maximum of one further consecutive term.

Meetings and Quorum

7. (1) The Board shall hold meetings at such times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than once every two (2) months.

(2) The Board shall meet ay any other times as are necessary to conduct its business.

(3) Members of the Board shall be given seven (7) calendar days' notice for the convening of meetings.

(4) Six members of the Board shall constitute a quorum.

Proceedings of the Board

8. The conduct and regulation of business and proceedings of the Board shall be in accordance with the First Schedule.

Appointment of the Chairperson and Deputy Chairperson

9. (1) A Chairperson and Deputy Chairperson of the Board shall be appointed by the Minister to serve for a period of three years.

(2) The Chairperson, or in his absence, the Deputy Chairperson, shall preside at the meetings of the Board.

Resignation and Vacation of Office

10. (1) A member of the Board, other than the Chairperson, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister.

(3) A member of the Board may be removed by the Minister on recommendation of the Board if that member-

(a) has been absent from three consecutive meetings of the Board without the permission of the Chairperson;

(b) is convicted of a criminal offence;

(c) becomes for any reason, including infirmity, incompetent or incapable of performing the functions of the office;

(d) in the case of s. 3(1)(a)-(b), or (c) as applicable, ceases to be a registered person under this Act; or

(e) is otherwise unable or unfit to discharge his functions.

Vacancies

11. (1) A vacancy in the Board shall be filled in the same manner as the original appointment and the validity of the proceedings of the Board shall not be affected by a vacancy in the Board or by a defect in the appointment of a member.

(2) The new member shall hold office for the remainder of the period for which his predecessor was appointed.

Committees of the Board

12. (1) The Board shall establish the following committees for the efficient performance of its functions-

(a) the Qualification and Assessment Committee;

(b) The Complaints and Investigations Committee; and

(c) the Disciplinary Committee.

(2) The Board may establish other committees as it considers necessary.

(3) The Board may, by resolution, appoint external experts, external engineers, lawyers or non-engineer related persons to serve as members of committees for the provision of specialist advice:

Provided that the external engineers appointed by the Board shall be registered engineers under this Act.

Qualification and Assessment Committee

13. (1) The Qualification and Assessment Committee shall comprise -
(a) the Chairperson; and
(b) four members of the Board appointed by the Chairperson, on the advice of the Board, to serve for a period of three years.

(2) The functions of the Qualification and Assessment Committee are to assess and keep under review the academic qualifications for registration as a registered engineer. The Committee shall -
(a) establish an efficient system of assessments;
(b) examine and investigate academic qualifications, experience and all other credentials presented by applicants for registration; and
(c) advise the Board on the adequacy of the qualifications and eligibility of an applicant for registration.

(3) The Chairperson shall chair the meetings of the Committee but if the Chairperson is absent from a meeting the other members of the Committee shall elect a member to chair that meeting.

(4) Three members of the Qualification and Assessment Committee constitute a quorum.

(5) The Qualification and Assessment Committee shall meet at least once every month and any other times necessary to efficiently perform its functions.

Complaints and Investigations Committee

14. (1) Subject to section 15(1), the Complaints and Investigations Committee shall comprise five members of the Board appointed by the Chairperson, on the advice of the Board, to serve for a period of three years.

(2) The Complaints and Investigations Committee shall conduct

(a) preliminary investigations concerning-

(i) all complaints alleging non-compliance with this Act, including but not limited to misrepresentation of eligibility and qualifications; and

(ii) professional misconduct or incompetence of an engineer;

(b) investigations other than preliminary investigations concerning other complaints in respect of the conduct of an engineer.

(3) The members of the Complaints and Investigations Committee shall elect a member to be the chairperson for meetings of the Committee.

(4) Three members of the Complaints and Investigations Committee constitute a quorum.

(5) The Complaints and Investigations Committee shall meet at the times necessary to efficiently perform its functions or until the conclusion of the matter for which investigations are being conducted, but shall not be less than once every two months.

(6) Complaints shall be received and investigated by the Complaints and Investigations Committee in accordance with the Third Schedule.

Disciplinary Committee

15. (1) The Disciplinary Committee shall comprise three members, including the Chairperson, Deputy Chairperson and one other member appointed by the Chairperson, after consultation with the Board.

(2) No member of the Complaints and Investigation Committee shall be a member of the Disciplinary Committee.

(3) Any member of the Disciplinary Committee shall recuse himself from a hearing if he knows or if it is shown that a conflict of interest exists.

(4) Any member of the Disciplinary Committee recused under subsection (3) may be replaced by any other member of the Board, upon consultation with the Board.

(5) The Disciplinary Committee shall -

(a) hear and determine complaints or allegations of professional misconduct or incompetence in respect of an engineer following a preliminary investigation by the Complaints and Investigations Committee;
(b) perform any other functions related to disciplinary matters assigned or referred to it by the Board; and
(c) on conclusion of a hearing, report in writing its findings, decision and reasons for the decision to the Board.

(6) For the purpose of conducting a hearing, the Disciplinary Committee may engage the services of an attorney-at-law of not less than ten years standing or a former Judge to assist, where necessary.

(7) The proceedings and hearing of the Disciplinary Committee shall be conducted in accordance with the Fourth Schedule.

Delegation by the Board

16. Subject to this Act, the Board may, by resolution, delegate to any committee of the Board, the exercise of any of the functions or duties of the Board under this Act.

Remuneration of Board Members

17. The Board shall pay its members remuneration or allowances upon the approval of the Minister.

Appointment of the Registrar

18. (1) There shall be a Registrar of Engineers who shall be appointed by the Minister.

(2) The Registrar of Engineers shall also be the Secretary of the Board.

(3) The Registrar shall hold office for such period and on such terms and conditions of employment as the Minister may determine.

(4) The Registrar shall be an ex officio member of the Board but shall have no right to vote at any any meetings of the Board.

Functions of the Registrar

19. (1) The Registrar shall -

(a) keep and maintain a Register of Registered Engineers;

(b) provide administrative and support to the Board in the performance of its functions;

(c) keep all documents and records including records of all assets of the Board;

(d) sign, issue, renew and cancel certificates of registration, as may be directed by the Board;

(e) prepare all documents due for gazetting as directed by the Board;

(f) keep the seal of the Board in careful custody;

(g) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Board, the exercise, discharge and performance of its objectives, functions and duties;

(h) take and keep minutes of the Board meetings and other Committee meetings;

(i) collect all fees on behalf of the Board; and

(j) exercise and perform any other function which the Board may determine from time to time.

(2) The Registrar shall make available -

(a) for public inspection at all reasonable times a list of all engineers on the Register; and

(b) on written request, to persons who indicate a reasonable ground for the information requested, information recorded in the Register.

(3) The Minister may appoint staff as necessary to assist the Registrar and support the operation of the Board.

Independence of the Board

20. (1) The Board shall act independently, impartially and in the interest of the public when performing its functions.

(2) The Minister may, in the interest of the public, request that the Board provide information or reports and with respect to general policies and standards for the practice of engineering.

Code of Ethics

21. (1) A registered engineer shall conform to the Code of Ethics for registered engineers as set out in the Second Schedule.

(2) A registered engineer who breaches any provision of the Code of Ethics is liable to disciplinary action by the Board following the satisfactory completion of investigation by the Complaints and Investigations Committee, and recommendations of the Disciplinary Committee.

(3) The Code of Ethics may be amended by resolution of the Board. Any amendment shall be gazetted by Order of the Minister.

PART III
ELIGIBILITY AND REGISTRATION

Requirement for Registration

22. (1) A person must be registered as an engineer in order to practise engineering or use the title engineer in Guyana.

(2) A person shall not -

(a) use a name, title or designation which includes the word "engineer" or "Eng." which is likely to suggest that the person is registered as an engineer unless the person is registered as an engineer; or

(b) conduct business under a name, title or designation which includes the word "engineer" or which is likely to suggest that the person is registered as an engineer unless the person is registered as an engineer; or

(c) act in a manner so as to create or induce the belief that he is a registered engineer; or

(d) sign or stamp any plans, drawings, designs or specifications purporting to be acting in the capacity of such registered engineer, unless the person is registered as an engineer.

(3) Subsection (2) does not prevent a business from using or conducting business under a name title or designation which includes the word "engineer" if -

(a) the business is under the control and management of a person who is registered as an engineer; and

(b) all engineering services and functions of the business are carried out by a person who is registered as an engineer.

(4) For the purpose of subsection (3), a "business" includes a company, firm, partnership or other undertaking which is carried on for any gain, reward or profit.

(5) Any person who contravenes subsection (2) shall be liable in accordance with s. 54.

Requirement for registration for architect

23. (1) A person who is an architect, is not required to register under this Act to provide an engineering service if that person provides the service solely for the purpose of architecture.

(2) In determining whether a service is solely for the purpose of engineering under subsection (1), the Fifth Schedule applies.

Application for registration

24. An application for registration as an engineer under this Act shall be in the prescribed form signed by the applicant and submitted to the Board and shall set out the grounds and the category of registration, along with the following requirements-

(a) evidence of the applicant's identity, including a copy of passport, national identification card or driver's licence;
(b) evidence of eligibility for registration, including qualifications and where applicable, experience;
(c) proof of police clearance;
(d) a certificate of good standing from the applicant's previous registering body, if applicable;
(e) the prescribed application fee and registration fee:
(f) Taxpayer Identification Number;
(g) current address and contact information and evidence of actual or proposed professional address, including a letter of employment or copy of business registration, where applicable; and
(h) any other information as the Board may require in respect of the matters referred to in paragraphs (a), (b) and (g).

Eligibility for registration

25. (1) A person is eligible to be registered as an engineer, in such category as the Board deems appropriate, if that person satisfies the Board that he-

(a) is qualified under subsection (2) for registration;

(b) is fit and proper for registration; and

(c) subject to the category of engineering, has accumulated the relevant years of experience in the practice of engineering as prescribed, and has acquired such standard of proficiency as may be approved by the Board, as applicable.

(2) A person is qualified for registration as an engineer if that person holds a degree, certificate, diploma or other form of qualification equivalent to a degree, and which -

(a) has been granted by a university, college, school of engineering or other higher education institution that is accredited under the laws of the country where it is granted to confer that qualification in engineering; and

(b) is recognised by the Board, acting on the advice of the National Accreditation Council, established under section 3 of the National Accreditation Council Act 2004, as evidence of satisfactory qualification in engineering.

(3) In determining whether a person is fit and proper for registration as an engineer, the Board shall consider whether the applicant -

(a) can read, write, speak and understand the English language;

(b) has been convicted in any country for -

(i) an offence that is an indictable offence in Guyana;

(ii) an offence involving fraud; or

(iii) an offence related to the practice of engineering under this Act;

(c) has ever had his or her registration as an Engineer or equivalent licence to practise engineering in any country suspended, revoked or cancelled and the reasons for the suspension, revocation or cancellation;

(d) has been declared a bankrupt by a court of competent jurisdiction; or

(e) for any other reason, including mental reasons, lacks the ability to competently perform as an engineer.

(4) A person who holds membership at the grade of Member or Fellow in the Association at the date of commencement of this Act and who continues to hold such membership at the time of application for registration is entitled as of right to be registered as an engineer if the application is within one year of the commencement date.

Categories of registration

26. (1) Subject to s. 25, a person is eligible to be registered in such category as the Board deems appropriate as follows-

(a) Graduate Engineer;
(b) Professional Engineer;
(c) Specialist or Consulting Engineer; or
(d) Temporary Registration.

(2) The Board shall determine any other categories of registration as may be required from time to time.

(3) An engineer who possesses the additional prescribed qualification, training and experience in respect of a specialty set out in the Seventh Schedule may apply in the prescribed form, to be registered as a specialist engineer under subsection (1)(c) in the relevant specialty area of engineering.

(4) An engineer may be registered as a specialist engineer in the Register if that person satisfies the Board that that person has obtained the prescribed additional qualification, training and experience from an institution which is recognised by the Board, acting on the advice of the National Accreditation Council, as evidence of satisfactory qualification in a specialty area of engineering.

Issuance of the Certificate of Registration

27. (1) Subject to the review of the requirements of s. 24 and 25 to the satisfaction of the Board, the Board shall cause to be entered the name of the applicant in the register and direct the issuance of a Certificate of Registration in the form prescribed in the Eighth Schedule.

(2) The Certificate of Registration shall include the following particulars-

(a) name and address of engineer;

(b) discipline of engineering;

(c) year of registration;

(d) period of validity of registration;

(e) registration number;

(f) signature of the Registrar;

(g) stamp and seal of the Board; and

(h) any other particulars that may be required for inclusion by the Board.

The Register

28. (1) The Board shall cause to be kept a Register of Registered Engineers in which the particulars set out in subsection (2) shall be entered.

(2) The Registrar shall record in the Register the following information, in respect of every person who is registered as a category of engineer in Guyana -

(a) the person's name;

(b) address and other contact details;

(c) details of a person's qualification for registration as an engineer and category;

(d) details of additional qualifications and specialisation or discipline in engineering or a related profession; and

(e) any other particulars relevant to the person's registration.

(3) The Register shall have different parts for different categories of engineers as provided by this Act.

(4) Notwithstanding subsection (2)(e), a record of a disciplinary measure shall be struck out from the Register two years after the record was inserted on the Register.

Additional Qualifications

29. Every person registered under this Act, who, subsequent to registration in accordance with s. 27, obtains any degree, diploma, qualification or other designation relevant to the practice of engineering, shall be entitled to have such additional qualification or designation inserted in the register in addition to or in substitution for the existing qualifications previously entered.

Amendment of Register

30. (1) The Registrar may, from time to time, make amendments to the Register relating to any entry including the-

(a) restoration to the register any entry which the Board, pursuant to this Act, so directs;

(b) correction of any entry in the register which the Board so directs upon receipt of notification of an incorrect entry or on its own initiative;

(c) addition or substitution of qualifications as provided by s. 29, upon direction of the Board; or

(d) removal from the register any entry, which the Board directs pursuant to s.31.

(2) Any amendments in the entries made under this section shall be made by the Registrar as soon as it is practical upon receipt of direction by the Board.

(3) Any person registered under this Act, who observes circumstances for amendment to any entry under subsection (1)(a)-(c) shall submit to the Board a formal request and supporting grounds for amendment.

Removal from Register

31. (1) It shall be the duty of the Registrar to remove from the Register, upon the Board's direction-

(a) the name of any person-

(i) convicted of an offence under this Act or any other law;

(ii) declared bankrupt;

(iii) whose name the Board has, under s.46, directed that it should be removed from the Register;

(iv) who has died;

(v) in the case of a person who has been issued with a temporary registration, is now expired or cancelled; or

(vi) found to be incapacitated or of unsound mind by court order.

(b) any person whose name has been fraudulently entered pursuant to s. 55.

Publication

32. The Registrar shall publish in the Gazette and one newspaper with nationwide circulation not later than the 30th day of April in every year, an alphabetical list of persons who on the 31st day of January are registered for that year.

Refusal to Register

33. When the Board receives an application for registration and upon its review, is not satisfied that an applicant has satisfied the eligibility requirements for registration in accordance with s. 25, the Board shall give written notice to the applicant and provide written reasons for its decision within thirty days after the receipt of the application.

Request for Additional Information

34. (1) If the Board requires further information from an applicant to determine whether to grant registration, the Board shall promptly request in writing the information required to make the determination.

(2) On receipt of the information requested, the Board shall make a determination in respect of the applicant's eligibility for registration in keeping with s. 25, and notify the applicant in writing of that determination within twenty one days of the submission to the Board of all the requested information.

(3) If the Board does not receive the information requested within sixty days from the date of the request, the Board shall immediately after the expiration of sixty days give written notice to the applicant of its refusal to register the applicant due to insufficient information.

Application for reconsideration of decision

35. (1) Where the Board refuses to register an applicant, the applicant may within thirty days of the receipt of the notice of refusal, apply to the Board in writing for reconsideration of its decision citing grounds for appeal and refuting the decision to refuse the application.

(2) The Board shall allow the application for reconsideration and shall be entitled to-

(a) refer the matter for review by an independent panel comprising three registered engineers, not being members of the Board;

(b) review its earlier decision to refuse registration based on grounds provided by the applicant and means of remedying; or

(c) grant or deny the registration of the applicant as an engineer.

(3) Any applicant aggrieved by the decision of the Board under subsection 2, may within sixty days from the date of the Board's decision, appeal to the High Court.

Duration of Registration

36. (1) The registration of an engineer shall continue in force until the 31st day of December of the year in which it was issued unless the registration is suspended or cancelled in accordance with this Act, or, where applicable, is expressed to be for a specific duration.

(2) A registered engineer under this Act, who continues to practice engineering, shall be required to submit a letter of continuing practice to the Board no later than the 10th day of January each year, along with the following-

(a) current status of practice;

(b) any updated particulars that require amendment in the register that have since changed from initial application;

(c) where (b) applies, evidence of requirement for amendment; and

(d) submission of the prescribed annual fee for registration.

Registration of Foreign Engineers

37. (1) A foreign person shall not be registered under this Act unless-

(a) the applicant possesses the necessary qualifications recognised for the practice of engineering as an engineer in the country in which he normally practices;

(b) the applicant possesses the necessary eligibility requirements in Guyana in accordance with s. 24 and 25(1)-(3); and

(c) he is a resident of Guyana or has a valid working permit.

(2) This section shall not apply to foreign applicants for temporary registration as prescribed in s. 38.

Temporary Registration

38. (1) A foreign person may be considered for temporary registration under this Act if that person-

(a) is not ordinarily resident in Guyana;

(b) is required to be present in Guyana in the capacity of engineer for the express purpose of carrying out specific work for projects in the national interest; and

(c) he is registered as an engineer by a board, council or other professional body in a country listed in the Sixth Schedule or with which the Government of Guyana or the Board has entered into a mutual recognition agreement or contractual agreement for services.

(2) Notwithstanding the provisions of subsection (1), where the Government of Guyana enters into a contractual agreement with a foreign organization or country for projects in the national interest, the contracting Ministry shall cause a copy of all details and credentials of the proposed foreign engineers in accordance with s.24 and 25 to be sent to the Board for the grant of temporary registration.

(3) Within thirty days of receipt from the contracting Ministry, the Board shall review all details and credentials of the engineers and such temporary registration shall not be unreasonably withheld by the Board.

(4) Temporary registration granted in accordance with subsection (3) shall be for the period of the contract only and shall be subject to any limitations and conditions as are appropriate under the relevant mutual recognition agreement or contractual agreement. Any extension to such period of contract shall be immediately communicated to the Board for subsequent amendment of period of registration in accordance with s. 30.

(5) It shall be the duty of the contracting Ministry to ensure that procurement criteria for the project in the national interest and details and credentials of the foreign engineers comply with the requirements pursuant to s. 24 and 25 of this Act.

(6) Where the Board observes any discrepancy in the engineer's details and credentials during its review and registration process in subsection 2, the Board shall notify the contracting Ministry for immediate resolution.

(7) The Sixth Schedule may be amended from time to time to include other countries for recognized registration by Order of the Minister.

PART IV
COMPLAINTS AND DISCIPLINE BY THE BOARD

Complaints

39. (1) A representation, complaint or allegation in respect of any matter relating to the professional conduct or competence of an engineer may be made in writing by any person to the Board.

(2) An aggrieved person may file such complaint if the person believes on reasonable grounds that the engineer-

(a) has contravened the Act; or

(b) when carrying out the practice of engineering, the engineer has engaged in improper, unprofessional or unethical conduct.

(3) A complaint must-

(a) be in writing; and

(b) include a summary of the particulars of the complaint including the name of the involved parties.

Power of the Board to Investigate

40.(1) The Board has the power to investigate any matter referred to in s. 39, however arising, concerning the practice of engineering or the conduct of an engineer where it is believed that an investigation is warranted in the public interest or in the interest of maintaining the standards and integrity of the profession.

(2) Upon receipt of a complaint as provided in s. 39(3), the Board shall review the complaint and shall determine-

(a) the nature of the investigation as prescribed in s. 42; or

(b) whether the allegation is frivolous, vexatious or was made other than in good faith; or

(c) whether the allegation lacks substance or credibility.

Form and Conduct of Investigation

41. (1) An investigation by the Board may be in the form of a preliminary investigation or a hearing.

(2) Subject to subsection (3), a preliminary investigation of the Board shall be conducted by the Complaints and Investigations Committee and a hearing of the Board shall be conducted by the Disciplinary Committee.

(3) If the Board determines, with respect to an investigation that special skill or expertise is required, the Board may appoint appropriate persons who possess the requisite skill or expertise to the Complaints and Investigations Committee for the whole or part of the investigation in accordance with s. 12(3).

Referral to Committees for investigation

42. (1) When the Board determines on its own motion on receipt of a representation, allegation or complaint that an investigation into the professional conduct, capability or competence of an engineer should be conducted, the Board shall, in accordance with section 41, refer the matter to the Complaints and Investigations Committee, then if necessary, the Disciplinary Committee.

(2) The Board shall give prompt notice of the referral, in writing, to the engineer in respect of whom the investigation is to be conducted, which shall contain details of the complaint.

(3) Where the matter is referred to the Complaints and Investigations Committee, the order of proceedings shall be conducted in accordance with the provisions of the Third Schedule.

Report on investigations to the Board

43. Within ten days following the conclusion of an investigation, the Committee responsible for the conduct of an investigation under this Part shall submit to the Board a written report that includes the findings of the Committee, the decisions, reasons for the decisions and the recommendations or directions of the Committee in respect of the matter.

Determination of Board

44. (1) Subject to subsection (2), on the receipt of a report referred to in section 43, the Board shall promptly make a determination in respect of the matter, taking into account the report submitted and shall take such action as prescribed under this Act.

(2) The Board, where it considers it appropriate to do so, may invite the engineer to appear before it or to provide a written submission in respect of the matter as the Board considers necessary, before making its final determination.

(3) If in the case of a preliminary investigation, the Board accepts the recommendation of the Complaints and Investigations Committee that a matter be referred to the Disciplinary Committee, the Board shall inform the engineer and the complainant, if any, of the -
(a) conclusion of the preliminary investigation; and
(b) decision and reasons for the decision.

(4) In respect of any other investigation, within twenty one days of receiving the report referred to in section 43 or an appearance or submission referred to in subsection (2), the Board shall give written notice to the engineer who is the subject of the investigation, of the decision arising out of the investigation and whether-
(a) no further action is to be taken by the Board respecting the matter;
(b) disciplinary measures shall be taken by the Board consequent on the decision prescribed by this Act.

(5) If the report of an investigation by the Complaints and Investigations Committee indicates that it is likely that the conduct or activity of an engineer constitutes a criminal offence, the Board shall submit a copy of the report to the Director of Public Prosecutions.

Measures for criminal conviction

45. (1) The Board may suspend or cancel the registration of an engineer if, during the course of registration, the engineer is convicted of a criminal offence in -

(a) Guyana that is punishable on indictment; or
(b) another country that is comparable to an offence punishable on indictment in Guyana.

(2) The Board may suspend registration for such period as it considers appropriate after considering the nature of the offence and whether the registration of the engineer was previously suspended as a consequence of a criminal conviction.

(3) If the Board cancels the registration of an engineer, the name and record of the engineer shall be removed from the Register in accordance with s. 31.

Measures for contravention of the Act

46. If, following an investigation of the Disciplinary Committee, the Board determines that an engineer engaged in a practice or activity that amounts to contravention of this Act, including but not limited to professional misconduct in accordance with s.52, the Board may, in writing -

(a) censure the engineer;
(b) suspend the registration of the engineer -
(i) for a specified duration as the Board considers appropriate; or
(ii) until the occurrence of some specified future event;

(c) cancel the registration of the engineer, remove the engineer's name from the Register and revoke the engineer's certificate; or
(d) impose certain measures as a pre-condition for the renewal of the registration.

Striking off the register

47. The Board shall cause to be struck from the Register any entry which has been fraudulently made pursuant to s. 55.

Additional Measures

48. Notwithstanding sections 45 to 47, the Board may take further action as it considers appropriate in the interest of maintaining the standards and integrity of the profession.

Effect of Suspension and Cancellation

49. (1) A person whose name has been removed from the Register or whose registration has been suspended or cancelled shall not engage in the practice of engineering during the duration of the removal of the name, suspension or cancellation of the registration.

(2) Where the Board has issued a directive for the removal of a person's name from the Register, or for suspending or cancelling a person's registration under this Act, the Board may, on application in a prescribed manner by the person concerned and after holding such inquiry as the Board may consider necessary-

(a) cause the removal of the name from the Register to be confirmed and direct the surrender of the certificate of registration within fourteen days upon notification to the engineer in accordance with s. 50;
(b) cause the name of the person to be restored on the Register; or
(c) terminate the suspension of the registration.

Commencement of Measure

50. A disciplinary measure imposed by the Board under this Part has effect immediately on written notice being given to the engineer or at any time as the Board indicates in writing.

Appeal

51. In any case where the Board has -
(a) refused to register under s. 33 any person as an engineer and has failed to reconsider said decision in accordance with s.35; or
(b) in respect of any person registered as an engineer, exercised any of the disciplinary powers conferred on the Board by s. 45-47, and the applicant is dissatisfied with said determination following an application for inquiry in accordance with s. 49(2),

that person may, in accordance with rules of Court, appeal against the decision of s. 35 or the exercise of disciplinary powers to the High Court.

PART V
OFFENCES AND PENALTIES

Professional Misconduct

52. (1) A person who is registered as an engineer under this Act commits an offence of professional misconduct if that person—

(a) deliberately fails to follow the Code of Ethics and practice of the engineering profession set by the Board; or

(b) commits gross negligence in the conduct of his professional duties.

(2) A person who commits an offence under this section shall, after due process, be subject to the provisions of s. 46.

False or fraudulent representation

53. A person who makes, causes to be made, wilfully procures or attempts to procure any any false or fraudulent representation or declaration, whether oral or written, for the purpose of obtaining registration under this Act for himself or herself or another person commits an offence and is liable on conviction on indictment to a fine of two million dollars and to imprisonment for two years.

Wrongful use of title

54. (1) A person commits an offence who, while not being an engineer -

(a) uses any name, title or other description which suggests, implies or is calculated to imply that the person is a registered engineer or that the person is recognised under any law of Guyana or another country as a person authorised and qualified to practise as an engineer;

(b) assumes or uses any title or prefix which suggests that the person is an engineer; or

(c) advertises or holds himself or herself out as a person authorised or qualified to practise as an engineer.

(2) A person who commits an offence under subsection (1) is liable on conviction on indictment to a fine of two million dollars and to imprisonment for two years.

Fraudulently holding out oneself to be holder of certificate of registration

55. A person who fraudulently holds himself or herself out to be the holder of a valid certificate of registration to practise engineering issued under this Act commits an offence and is liable on conviction on indictment to a fine of two million dollars and to imprisonment for two years.

No restriction on pro bono assistance

56. Nothing in this Act shall prevent any person from providing engineering advice or other assistance in cases of emergency without hire, gain or reward, provided that the person is an engineer registered under this Act.

PART VI
MISCELLANEOUS

Recovery of Fees and Cost

57. A person claiming to be, or describing himself or herself as or acting in the capacity of an engineer is not entitled to recover fees or charges for engineering services unless he or she is registered under this Act.

Limitation of Actions

58. A person duly registered under this Act shall not be liable in any action for professional misconduct, negligence or malpractice in respect of professional services requested or rendered unless the action is commenced within three years from the last day on which the engineering services were provided.

Notification of action and trial

59. (1) If a civil action has been brought against an engineer in respect of the provision of engineering services the engineer shall immediately notify the Board.

(2) On the conclusion of the civil action, the engineer shall notify the Board-

(a) whether the matter has been concluded by a court or by way of settlement; and

(b) of the decision and order of the Court or the terms of the settlement.

(3) If an engineer has been committed for trial, convicted or discharged in respect of an indictable offence, the engineer shall immediately notify the Board in writing of the committal, conviction or discharge.

Certificate to be signed by registered engineer

60. On commencement of this Act, no certificate or other document which is required by any written law to be signed by an engineer shall be valid unless the person signing it is registered under this Act.

Evidence of Registration

61. Where proof of registration under this Act is required, the production of a certificate under the hand of both the Chairperson and the Registrar shall be sufficient evidence of the registration.

Confidentiality

62. (1) Every member of the Board or a committee of the Board, the Registrar or any person acting under the authority of any of them shall preserve secrecy with respect to all matters that come to their knowledge in the course of performing duties, employment, inquiry or investigation under this Act and shall not communicate any of the matters to any other person except -

(a) as required for the administration of this Act;
(b) with the consent of the person to whom the information relates.

(2) A person referred to in subsection (1) shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him or her in the course of the person's duties, employment, inquiry or investigation except -
(a) in proceedings concerning an offence under or other contravention of this Act;
(b) on the order of a Judge in a matter before the High Court.

Application Fee

63. An applicant for registration shall pay such fees to the Board as may be prescribed.

Annual Fee

64. An applicant for registration shall pay such annual registration fee to the Board as may be prescribed.

Insurance

65. An engineer may maintain insurance, at his own cost, to cover-
(a) sickness or industrial accidents affecting employees;
(b) loss or damage to the engineer's equipment employed in the provision of the services;
(c) civil liability for accidents caused to third parties arising out of the provision of the services; and
(d) accidental death or permanent disability resulting from bodily injury incurred in connection with the provision of the services.

Account and Audit

66. The Board shall cause to be kept proper books and other records of the accounts of the income, expenditure and assets of the Board, and shall be subject to audit in accordance with the Laws of Guyana.

Funds of the Board

67. All fees and monies received by the Board in accordance with this Act, shall be retained, managed and used by the Board for the performance of its functions.

Subsidiary Legislation

68. (1) The Minister, on the advice of the Board, may make Regulations for carrying into effect the provisions of this Act, including for prescribing application forms and forms of certificate of registration.

(2) The Minister, on the advice of the Board, may by Order amend the Schedules and provide fees for registration and any other fees provided under this Act.

FIRST SCHEDULE section 8
CONSTITUTION OF THE ENGINEERING REGISTRATION BOARD

1. There is established a body corporate to be known as the Engineering Registration Board appointed by the Minister and consisting of -
   (a) four registered engineers nominated by and holding membership of the Association;
   (b) two public officers who are registered or are eligible to be registered as engineers, at least one of whom is from the Ministry of Public Works;
   (c) a representative of the Faculty of Engineering of the University of Guyana; and
   (d) two persons appointed to represent the public interest.

2. A person appointed to the Board under s.3(1) holds office for a term of three years but may be eligible for reappointment for a maximum of one further consecutive term.
3. (1) A Chairperson and Deputy Chairperson of the Board shall be appointed by the Minister to serve for a period of three years.
   (2) The Chairperson, or in his absence, the Deputy Chairperson, shall preside at the meetings of the Board.
4. (1) The Board shall meet regularly and at least once in every two months.
   (2) The Board shall meet at any other times as are necessary to conduct its business.
   (3) Members of the Board shall be given seven calendar days' notice for the convening of meetings.
5. The Chairperson, or in his or her absence the Deputy Chairperson, may summon an emergency meeting of the Board at seven (7) calendar days' notice in writing at the written request of not less than three members of the Board.
6. Six members of the Board shall constitute a quorum.
7. Every member of the Board shall have one vote but the Chairperson shall have a casting vote whenever the voting is equal.
8. A member of the Board who is absent from three consecutive meetings without the permission of the Chairperson shall lose his or her right to vote for the next three meetings.
9. A vacancy in the Board shall be filled in the same manner as the original appointment and the validity of the proceedings of the Board shall not be affected by a vacancy in the Board or by a defect in the appointment of a member.
10. Minutes of the meetings of the Board shall be recorded by a Secretary to be appointed for the purpose and copies circulated to the members of the Board two weeks following every meeting.

SECOND SCHEDULE section 21

CODE OF ETHICS AND PRACTICE FOR ENGINEERS

1. General.

An engineer owes certain duties to the public, to his employers, clients, to other members of his profession, his subordinates, his employers and to himself and shall act at all times with -

(a) fidelity to public needs;
(b) fairness and loyalty to his associates, employers, clients, subordinates and employers;
(c) due regard to high ideals of professional integrity and personal honour.

2. Duties of the engineer to the public.

(I) An engineer shall express opinions on engineering matters only on the basis of adequate knowledge and honest conviction. The engineer shall -

(a) ensure, to the best of his ability, that the statements on engineering matters attributed to him are not misleading and properly reflect his professional opinion;
(b) not express publicly or while he is serving as a witness before a court. commission or other tribunal opinions on engineering matters that are not founded on adequate knowledge and honest conviction.

(2) An engineer shall have proper regard for the safety, health, welfare and property of the public and the protection of the environment in the performance of his or her duties. The engineer shall -

(a) notify the proper authorities of any situation which he considers, on the basis of his professional knowledge, to be a danger to the safety, health, welfare and property of the public and the environment;
(b) complete, sign or seal only those plans, drawings, specifications and reports which reflect proper regard for the safety, health, welfare and property of the public and the protection of the environment.

(3) An engineer shall endeavour to expand public understanding of engineering and its place in society. The engineer shall -

(a) endeavour at all times to enhance the public regard for, and its understanding of his profession by expanding the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to engineering;
(b) not give opinions or make statements on engineering projects connected with public policy where such statements are inspired or paid for by private interests unless he clearly discloses on whose behalf he is giving the opinion or making the statements.

(4) An engineer shall not be associated with enterprises which are in conflict with the public interest or sponsored by persons of questionable integrity, or persons who do not conform to the basic principles of this code. The engineer shall -

(a) conform with registration requirements in his practice of engineering;
(b) not sanction the publication of his reports in part or in whole in a manner calculated to mislead and, if it comes to his knowledge that they are so published, he shall take immediate steps to correct any false impression given by them.

(5) An engineer shall sign and/or seal only those plans, drawings, specifications and reports actually prepared by him or under his direct professional supervision.

3. Duties of the engineer to his or her client or employer.

(1) An engineer shall act for his or her client or employer as a faithful agent or trustee. The engineer shall -
(a) be realistic and honest in all estimates, reports, statements and testimony;
(b) admit and accept his own errors when he is proven wrong and refrain from distorting or altering the facts in an attempt to justify his decision;
(c) advise his client when he believes a project will not be successful;
(d) not accept outside employment to the detriment of his regular work or interest, or without the consent of his employer;
(e) not attempt to attract an engineer from another employer by unfair methods;
(f) not provide engineering services in an engineering discipline in which he is not registered to practise as an engineer;
(g) engage, or advise engaging, experts and specialists when such services are in his client's or employer's best interests.

(2) An engineer shall not disclose confidential information pertaining to the interests of his or her client or employer without their consent. The engineer shall -
(a) not use information coming to him confidentially in the course of his assignment as a means of making personal gain except with the knowledge and consent of his client or employer;
(b) not divulge, without official consent, any confidential findings resulting from studies or actions of any commission or Board of which he is a member or for which he is acting.

(3) An engineer shall present clearly to his or her client or employer the consequences to be expected if the professional judgment of the engineer is overruled by non-technical authority in matters pertaining to work for which the engineer is professionally responsible.

(4) An engineer shall not undertake any assignment which may create a conflict of interest with his or her client or employer without the full knowledge of the client or employer. The engineer -

(a) shall inform his client or employer of any business connections, interests or circumstances which may be deemed as influencing his judgment or the quality of his services to his client or employer;

(b) when in public service as a member, adviser or employee of a governmental body or department. shall not participate in considerations or actions with respect to services provided by him or his organisation in private engineering practice.

(c) shall not solicit or accept an engineering contract from a governmental body on which a principal or officer of his organisation serves as a member.

(5) An engineer shall not accept remuneration for services rendered other than from his or her client or employer. The engineer shall -

(a) not accept compensation from more than one interested party for the same service or for services pertaining to the same work, under circumstances that may involve conflict of interest, without the consent of all interested parties;

(b) not accept any royalty or commission on any article or process used on the work for which he is responsible without the consent of his client or employer;

(c) not tender on contracting work upon which he may be acting as a consulting engineer;

(d) not act as consulting engineer in respect of any work upon which he may be the contractor.

4. Duties of the engineer to the engineering profession.

(I) An engineer shall conduct himself or herself towards other engineers with courtesy, fairness and good faith. The engineer shall -

(a) not accept any engagement to review the work of another engineer for the same employer or client, except with the knowledge of the engineer, unless the engagement of the engineer on the work has been terminated;

(b) not maliciously injure the reputation or business of another engineer.

(2) An engineer shall not compete unfairly with another engineer by attempting to obtain employment, advancement or professional engagements by taking advantage of a salaried position or by criticising other engineers. The engineer shall -

(a) not attempt to supplant another engineer in a particular employment after becoming aware that definite steps have been taken towards the other's employment;

(b) not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure engineering work;

(c) not use equipment, supplies, laboratory or office facilities of his employer to carry on outside private practice without consent.

(3) An engineer shall undertake only such work as he is competent to perform by virtue of his training and experience and in this regard he shall not misrepresent his qualifications.

(4) An engineer shall not advertise his work or merit in a self-laudatory manner and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the engineering profession. Circumspect advertising may be properly employed by an engineer to announce his practice and availability. Only those media shall be used as are necessary to reach directly an interested and potential client or employer. and such media shall be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or the Engineer using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another engineer, either specifically or by implication.

(5) An engineer shall advise the Board of any practice by another engineer which he or she believes to be contrary to the Code of Ethics and Practice for Engineers.

THIRD SCHEDULE

section 42

PROCEEDINGS BEFORE THE COMPLAINTS AND INVESTIGATIONS COMMITTEE

1. Whenever a complaint is received by the Board, the complaint shall be promptly referred to the Complaints and Investigations Committee.

2. Whenever a matter is referred to or otherwise received by the Complaints and Investigations Committee, the Committee shall promptly notify, in writing, the engineer who is the subject of the complaint to be investigated.

3. The notice referred to in paragraph 2 shall -
   (a) identify the matter that is to be investigated;
   (b) stipulate the right of the engineer to submit to the Complaints and Investigations Committee. in writing, any explanation or representation the engineer wishes to make as well as any document or other information, concerning the matter that the engineer wishes to submit to the Committee; and
   (c) indicate that any submission must be made by a date not later than 28 days from the date of the notice or any other time as stipulated by the Committee.

4. The Complaints and Investigations Committee shall examine all documents and other information relating to the complaint that are submitted to it and shall make every reasonable effort to verify the information and ascertain all the facts that are relevant to a determination of the matter.

5. The Complaints and Investigations Committee may hear evidence from any person, whether or not the person is a direct party concerned in the matter.

6. Following a consideration of the information submitted to it, the Complaints and Investigations Committee may solicit clarifications, in writing, with respect to any statement, representation or other information submitted to the Committee.

7. When the Complaints and Investigations Committee is conducting an investigation other than a preliminary investigation -
   (a) the Committee shall invite both parties concerned in the matter to appear before the Committee to make representations or to answer questions respecting the matter;
   (b) the Committee may at the request of a party, permit the party to appear before the Committee.

8. When a party appears before the Committee pursuant to paragraph 7(b), the Committee shall give to the other party -

(a) notice regarding the appearance;
(b) a copy, extract or representation of any statement or representation made to the Committee at that appearance; and
(c) the opportunity to appear before the Committee in respect of any statement or representation made at that appearance.

9. An engineer who appears before the Complaints and Investigations Committee shall have the right to be represented by an attorney- at- law.

10. The Complaints and Investigations Committee shall report its findings, decision and recommendation to the Board.

11. Where the Complaints and Investigation Committee has conducted a pre-liminary investigation, its report to the Board may recommend that -

(a) no further investigation be conducted;
(b) the matter be referred to the Disciplinary Committee; or
(c) any other steps be taken as it considers appropriate in the circumstances.

FOURTH SCHEDULE section 15

PROCEEDINGS BEFORE THE DISCIPLINARY COMMITTEE

1. The Board shall serve on the engineer against whom disciplinary proceedings are to be instituted a notice which shall -

   (a) specify, in the form of a charge, the matters into which the inquiry is to be held; and
   (b) state the time and place at which the enquiry is proposed to be held.

2. Except with the consent of the engineer, an inquiry shall not be fixed for a date earlier than the days after the date on which the notice is served.

3. The notice shall be served personally or by pre-paid registered post on the engineer at the professional address shown on the Register.

4. In any case where there is a complainant, a copy of the notice shall also be sent to the complainant.

5. If, after a complaint has been referred to the Disciplinary Committee after investigation. it appears to the Committee that the disciplinary proceeding should not be held, the Board notify the complainant, if any, and the engineer of that fact.

6. An engineer shall be entitled to receive copies of, or to be allowed access to, any documentary evidence relied on for the purpose of the disciplinary proceeding.

7. The engineer shall have the right to be represented by an attorney-at-law m any disciplinary proceedings instituted against the engineer.

8. If an engineer does not appear at the date fixed for the hearing of the case, the Disciplinary Committee may, if it is satisfied that a notice of enquiry has been served on the engineer, proceed with the enquiry in the absence of the engineer and the absence of the attorney.

9. Where witnesses are examined by the Disciplinary Committee, the engineer shall be given an opportunity of attending and of putting questions to the witnesses in the engineer's own behalf; and no documentary evidence shall be used against the engineer unless the engineer has previously been supplied with copies of it or given access to it.

I 0. The engineer shall be permitted to give evidence. call witnesses and make submissions orally or in writing in the engineer's own behalf.

11. The Disciplinary Committee may call additional witnesses and may adjourn the proceedings to another convenient time or place.

12. The testimony of witnesses shall be taken under oath, which the Chairperson of the Disciplinary Committee is authorised to administer, and there shall be a right to examine, cross-examine and re-examine witnesses.

13. On the application of-
    A. any party to the proceedings;
    B. the Chairperson of the Disciplinary Committee; or
    C. the counsel for the Disciplinary Committee,

    the Registrar may issue subpoenas for the purposes of procuring the attendance of witnesses, the giving of testimony and the production of documents before the Disciplinary Committee.

14. The rules of evidence in the proceedings and penalties in the case of disobedience to any subpoena, shall be the same as in civil cases in the Supreme Court.

15. The Disciplinary Committee shall have the proceedings and the evidence -
    (a) written, transcribed and certified by a court transcriber; or
    (b) recorded by a sound recording machine, and transcribed and certified by a court transcriber.

16. It is the duty of the engineer whose conduct or fitness to practise is being inquired into, to appear at the inquiry, but in event of non-attendance by that engineer, the Disciplinary Committee, on proof by an affidavit of the service of notice, may proceed with the inquiry, and without further notice to the engineer make a report of its findings and take any other action as it is authorised to take under this Act.

17. If, having heard the evidence in support of the charges, the Disciplinary Committee is of the opinion that the evidence is insufficient it may dismiss the charges without calling on the engineer for his or her defence.

On the conclusion of the enquiry, the Disciplinary Committee shall submit a report of its findings, decision, reasons for the decision and recommendations to the Board.

FIFTH SCHEDULE
section 23

DISTINCTION BETWEEN THE PRACTICE OF ENGINEERING AND ARCHITECTURE

1. An engineer may not provide a complete, comprehensive set of building plans for a building designed for human use or occupancy unless the plans and specifications are prepared by, or under the supervision of, an architect.

2. (1) An engineer is responsible for the engineering plans and specifications of a building.

(2) In this section, the term "engineering plans and specifications" means-

(a) plans for a structural, mechanical, electrical, electronic, fire suppression, or geotechnical system in a building;
(b) specifications of structural elements and connections of a building;
(c) foundation design;
(d) hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations;
(e) design of building drain and waste system plumbing, fresh water plumbing. gray water systems, and mechanical aspects of moving water in and out of a structure. other than simple roof drainage;
(f) evaluation of structural framing members before the addition of roof mounted equipment or a heavier roof covering;
(g) design of changes in roof pitch by the addition of structural framing members;
(h) evaluation and repair of damaged roof structural framing;
(i) design of electrical and signal and control systems;
(j) shop drawings by manufacturers or fabricators of materials and products to be used in the building features designed by the engineer; and
(k) specifications listing the nature and quality of materials and products for construction of features of the building elements or systems designed by an engineer.

3. The preparation of plans and specifications for the following is within the scope of both the practice of engineering and architecture:

(a) site plans depicting the location and orientation of a building on the site based on-
(i) a determination of the relationship of the intended use with the environment. topography. vegetation, climate, and geographic aspects; and the legal aspects of site development, including

setback requirements, zoning and other legal restrictions, and surface drainage;

(b) the depiction of the building systems, including structural, mechanical, electrical, and plumbing systems, in:

(i) plan views;

(ii) cross-sections depicting building components from a hypothetical cut line through a building; and

(iii) the design of details of components and assemblies, including any part of a building exposed to water infiltration or fire-spread considerations;

(c) life safety plans and sheets, including accessibility ramps and related code analyses; and

(d) roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment not involving structural engineering calculations.

4. The following activities may be performed by either an engineer or an architect:

(a) programming for construction projects, including:

(i) identification of economic, legal, and natural constraints; and

(ii) determination of the scope of functional elements;

(b) recommending and overseeing appropriate construction project delivery systems;

(c) consulting with regard to, investigating, and analysing the design, form, materials, and construction technology used for the construction, enlargement, or alteration of a building or its environment; and

(d) providing expert opinion and testimony with respect to issues within the responsibility of the engineer or architect.

SIXTH SCHEDULE

section 38

COUNTRIES FOR RECOGNISED REGISTRATION

1. Antigua and Barbuda
2. Australia
3. Bangladesh
4. Barbados
5. Belize
6. Botswana
7. Brunei Darussalam
8. Cameroon
9. Canada
10. China
11. Cyprus
12. Dominica
13. Gabon
14. Fiji
15. Ghana
16. Grenada
17. Haiti
18. India
19. Jamaica
20. Kenya
21. Kingdom of Eswatini
22. Kiribati
23. Lesotho
24. Malawi
25. Malaysia
26. Maldives
27. Malta
28. Mauritius
29. Montserrat
30. Mozambique
31. Namibia
32. Nauru
33. New Zealand
34. Nigeria
35. Pakistan
36. Papua New Guinea
37. Rwanda

38. St. Kitts and Nevis
39. St. Lucia
40. St. Vincent and the Grenadines
41. Samoa
42. Seychelles
43. Sierra Leone
44. Singapore
45. Solomon Islands
46. South Africa
47. Sri Lanka
48. Suriname
49. The Bahamas
50. The Gambia
51. Togo
52. Tonga
53. Trinidad and Tobago
54. Tuvalu
55. Uganda
56. United Kingdom
57. United Republic of Tanzania
58. United States of America
59. Vanuatu
60. Zambia

SEVENTH SCHEDULE section 26(3)

SPECIALISED AREAS OF ENGINEERING

1. Aerospace Engineering
2. Agriculture & Food Engineering
3. Automobile Engineering
4. Biotechnology Engineering
5. Ceramic Engineering
6. Chemical Engineering
7. Civil Engineering
8. Computer Engineering
9. Electrical Engineering
10. Electronics Engineering
11. Engineering Physics
12. Environmental Engineering
13. Industrial and Production Engineering
14. Industrial Engineering
15. Information Technology Engineering
16. Instrumentation Engineering
17. Marine Engineering
18. Mechanical Engineering
19. Metallurgical Engineering
20. Naval Architecture and Ocean Engineering
21. Petroleum Engineering
22. Textile Engineering
23. Transport Engineering

EIGHTH SCHEDULE

section 27

CERTIFICATE OF REGISTRATION

Engineering Term:

Registration No.:

Pursuant to the Engineers Act 2024, it is hereby certified
that .....residing
at .....has been duly registered as an
Engineer and is entitled to practise as an Engineer in the engineering discipline
of .....
in Guyana during the year.....

Dated this .....day of ..... in the year 20.....

Registrar of Engineers

Chairperson
Engineering Registration Board

EXPLANATORY MEMORANDUM

The main objective of the Engineers Bill 2024 is to provide for the registration and regulation of persons in the practice of engineering in Guyana and for such related matters. The overarching goal of this living piece of legislation is to bring the legislative framework of the profession of engineering in accordance with the CARIFORUM-EU Economic Partnership Agreement (EPA) which was signed by CARIFORUM countries (including Guyana) and the European Union in October 2008 and has been provisionally applied since December 2008. The Agreement covers trade in goods, trade in services, foreign direct investment, trade defence measures, innovation and intellectual property, competition, public procurement, co-operation and various developmental issues. With respect to liberalisation for trade in professional services (market access), the CARIFORUM-EU Economic Partnership Agreement (EPA) also provides for mutual recognition of qualifications and co-operation in professional services.

Therefore, for the context of this current Bill in Guyana, the areas of definitions, scope, registration requirements, professional conduct and ethics, enforcement and penalties and international recognition and reciprocity were targeted as the main areas for inclusion to statutorily guarantee the underpinnings of consumer protection, public safety, and confidence in the profession through the promotion of ethical conduct within the field.

The Bill consists of six Parts, with each Part addressing key areas to establish a regulatory framework that promotes professionalism, accountability and excellence in the practice of engineering while safeguarding the interests of the public and the profession.

PART I of the Bill provides for Preliminary matters including the short title and the interpretation provision which defines various words and expressions used throughout the Bill. Terms related to the engineering practice in the context of the scope of the legislation are therefore included to ensure clarity and consistency in its application.

PART II provides for the establishment of the Engineering Registration Board, a corporate body, which shall be responsible for the management and administration of matters related to the engineering profession. The Board shall be supported by Committees three of which shall be standing committees and others which may be established as necessary. The standing committees shall be the Qualification and Assessment Committee, the Complaints and Investigation Committee and the Disciplinary Committee. This Part also seeks to provide for the appointment of a Registrar with specific functions. This Part is tantamount to the operations of the Board and creates the foundation upon which the Board's independence is reiterated, while simultaneously defining the ethical standards expected of Engineers, including obligations to uphold public safety and professional competence.

PART III seeks to provide for the eligibility and registration of engineers, including provisions establishing criteria for this process of registration including educational qualifications, professional experience and outlined procedures for application, renewal and removal from the

Register. The most salient inclusion involves provisions for different categories for registration within the Register, based on new entrants into the profession and continuity of qualification. This systematic structure in the Register implicitly ensures professional experience garnered over years to ensure quality assurance in executed works for new graduates, while concurrently updating and recording current practising professionals within the field. Provision is further made for temporary and foreign engineers, such that the matter of international recognition of engineering qualifications obtained from other jurisdictions and mobility across borders through mutual recognition agreements or equivalency assessments could be addressed through statute in a structured manner to ensure equity by and among local and foreign professionals.

PART IV seeks to provide for matters relating to complaints and the investigation of complaints with a view to determining whether disciplinary proceedings should be initiated by the Board. The powers of the Board are reiterated under this Part with a view of promulgating and course correcting matters that have engaged the attention of the public. Through the establishment of protocols and procedures for reporting and addressing professional and reasonable concerns, there is the inherent built in mechanisms to ensure public safety, risk management and consumer protection through dispute resolution and disciplinary processes. It must be noted that the engineer is also equipped through statute to appeal decisions, thereby guaranteeing his or her own protection of the principles of reputation and standards of quality that have been executed. This framework for a fair review and appeal proceedings mandates the involvement of judicial proceedings, where applicable for administrative relief.

PART V seeks to provide that various contraventions of the Act shall constitute criminal offences, with focus on professional misconduct as a primary area of consideration, among other disciplinary measures.

PART VI seeks to provide for various matters relating to the regulation of the Board, management and issuance of required Certificates, as authentic proof of registration in Guyana.Other key provisions include confidentiality, limitation of actions and making of subsidiary legislation.

The Bill also includes eight Schedules, each of which serve as detailed supplements to the salient features of the Bill, including the Constitution of the Engineering Registration Board, Code of Ethics, Proceedings before the Complaints and Investigations Committee and Disciplinary Committee, Countries for recognised registration, specialised areas of engineering, and a precedent of the certificate of registration to practice as an engineer.

MINISTER

Hon. Bishop Juan A. Edghill MP.
Minister of Public Works

MINISTRY OF PUBLIC WORKS