

THE ENGINEERS REGISTRATION ACT, 1997

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1997

I ASSENT

Benjamin W. Mkapa
President
12 June, '97

An Act to repeal and re-enact with modifications the Engineers (Registration) Act, 1968, to establish a Board to regulate the conduct of engineers, to provide for their registration and for related matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Engineers Registration Act, 1997 and shall come into operation on such date as the Minister may by Notice published in the Gazette, appoint.

Short title and commencement

2. In this Act unless the context otherwise requires—

“Appeals Authority” means Appeals Authority established by section 20;

“Board” means the Engineers Registration Board established under section 3;

Interpretation

“Member” in relation to the Board includes the Chairman or the Vice-Chairman;

“Minister” means the Minister responsible for works;

“Register” means the register kept under the provisions of section 7;

“registered consulting engineer” means a person or firm whose name is entered in the register as a registered consulting engineer in a particular engineering discipline, classification and grade;

“registered engineer” means a person whose name is entered in the register as registered engineer;

“registered graduate” means a person whose name is entered in the register as registered graduate engineer;

“registered graduate technician engineer” means a person whose name is entered in the register as registered graduate technician engineer;

“registered technician engineer” means a person registered as a technician engineer;

“Registrar” means the Registrar of the Engineers Registration Board appointed under section 6.

PART II

THE BOARD

Establishment of Engineers Registration Board

3.—(1) There is hereby established a Board to be known as the Engineers' Registration Board which shall have responsibility for regulating the activities and conduct of engineers and of engineering consulting firms in accordance with the functions and powers conferred upon it by this Act.

(2) The Board shall—

- (a) be a body corporate with perpetual succession and common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) for and in connection with the purposes of this Act, be capable of acquiring, holding and disposing of movable and immovable property in its corporate name.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary or revoke and replace the provisions of the Schedule to this Act.

Functions of the Board

4. Subject to the provisions of this Act and any regulations made thereunder the functions of the Board shall be—

- (a) to maintain and keep a register of engineers, including consulting engineers or firms providing engineering services;
- (b) to consider and decide on applications for registration;
- (c) to promote and provide opportunities and facilities for the study of and for professional training in engineering;
- (d) to sponsor, arrange and provide for facilities for conferences, seminars, workshops and consultations on matters related to the field of engineering;
- (e) to promote and maintain professional conduct and integrity of the engineering profession;
- (f) to monitor the conduct and activities of engineers, including consulting engineers or firms,
- (g) to arrange for the publication and dissemination of materials produced in connection with the work and activities of the Board;
- (h) to certify academic awards given by training institutions for consideration in an application made under section 10;
- (i) to carry out such other functions as the Minister may, from time to time direct after consultation with the Board.

Limitation of liability of members

5. Neither the Chairman of the Board nor any member of the Board shall be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon, the Board.

PART III

REGISTRATION

6. The Board shall appoint a Registrar of the Board who shall be a registered engineer and who shall hold and vacate office in accordance with the terms of his appointment.

Appointment of Registrar

7.—(1) The Registrar shall keep and maintain a register in which the name of every person entitled to have his name entered in there as soon as is practicable after his being accepted by the Board for registration showing against his name—

Register of engineers and entries therein

- (a) date of entry.
- (b) name and postal address (es).
- (c) qualifications.
- (d) registration number.
- (e) nationality (local or foreign).
- (f) category of registration (permanent or temporary).
- (g) physical address;
- (h) key managerial, professional, technical and other personnel in the case of a firm;
- (i) principal of the firm;
- (l) duration of registration.
- (k) any other particulars which the Board may direct.

(2) Any change in the particulars registered under subsection (1) shall be entered in the register by the Registrar.

8.—(1) The Registrar shall cause to be published in the *Gazette*, as soon as may be practicable after registration, the name, address and qualifications of each registered engineer and, subject to the directions of the Board, may cause any amendment or deletion from the register to be published.

Publication of register and list

(2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently after the first day of January in each year, a list containing the names, addresses and qualifications of all registered engineers remaining in the register at the close of the previous year.

(3) Any person may inspect the register and any documents relating to any entry in there, and may obtain a copy of or an extract from the register or any such document, on payment of a prescribed fee.

9.—(1) A publication under the provisions of section 8 shall be *prima facie* evidence that the persons named therein are registered under this Act, and the deletion from the register of the name of any person notified by that publication or the absence of the name of any person from that publication, shall be *prima facie* evidence that person is not registered.

Publication *prima facie* evidence of registration

(2) The register, lists and all copies thereof or extracts therefrom which purport to have been certified under the hand of the Registrar, shall be receivable in all courts and tribunals or other bodies authorized to receive evidence as *prima facie* evidence of the facts stated therein.

(3) No process of law compelling the production of the register or any document kept by the Registrar shall issue from any court without the leave of that court and the process which is so issued shall bear a statement that it was issued with the leave of the court.

(4) The Registrar shall not in any legal proceedings to which he is not a party be compellable—

(a) to produce the register or any document if its contents can be proved under subsection (1); or

(b) to appear as a witness to prove any entry in the register, the matters recorded therein or any such document, unless the court for special cause so orders.

Qualifica-
tion for
registra-
tion of
Engineers

10.—(1) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered engineer if he is—

(a) a member of an institution of engineers, the membership of which is recognized by the Board as furnishing a sufficient guarantee of academic knowledge of, and practical experience in engineering; or

(b) a person who—

(i) is a holder of a degree, diploma of a University or School of engineering or a holder of a professional licence, either of which are recognized by the Board as furnishing a sufficient guarantee of an adequate academic training in engineering; and.

(ii) has had not less than three years practical experience of such a nature as to satisfy the Board as to his competence to practise as a professionally qualified engineer or has had practical training in engineering as may be approved by the Board;

Provided that, not less than two years of the three years required by this sub-paragraph shall be after obtaining the degree, diploma or licence specified in sub-paragraph (i);

(iii) has passed the prescribed examination or interview as the case may be, set by the Board.

(2) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered graduate engineer if he is a person to whom subsection (1) (b) (i) applies but is yet a person to whom either subsection (i) (a) or subsection (1)(b)(ii) applies.

(3) Once a person has been registered as a registered graduate engineer under subsection (2), he shall be deemed for all purposes to have been accepted by the Board as being academically qualified for registration as a registered engineer and subsequent acceptance of his name for registration as a registered engineer under section (1) (b) (i) as distinct from acceptance under the other provisions of subsection (1) shall not be challenged.

(4) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered graduate technician engineer if he is a holder of a higher diploma or an equivalent qualification in engineering obtained from an engineering polytechnic or college recognised by the Board as furnishing evidence of adequate academic training.

(5) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered technician engineer if—

- (a) he is a holder of a higher diploma or an equivalent qualification in engineering obtained from an engineering polytechnic or college recognised by the Board as furnishing evidence of adequate academic training; and
- (b) has had not less than three years practical experience of such a nature as to satisfy the Board as to his competence to practise as a registered technician engineer.

(6) Subject to the provisions of this Act, a person shall be entitled on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered as a registered consulting engineer in a particular classification and grade if—

- (a) he has practised in a specialized engineering field as a registered engineer for a period determined by the Board; and
- (b) has satisfied the Board as to his having achieved a standard of competence to enable him to practise as a consulting engineer in a particular specialization and grade.

(7) In the case of a consulting firm—

- (a) no person or body of persons shall be registered as a consulting engineer unless at least one of the partners or principals of the firm or company is registered with the Board;
- (b) a consulting firm shall fulfil the conditions mentioned in subsection (6) (a) in the case of its key engineering personnel and any other conditions which may, from time to time, be prescribed by the Board.

(8) The Board may require an applicant for registration under this Act to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, to make him a fit and proper person to be registered under this Act and the Board may direct the Registrar to postpone the registration until so satisfied.

Tem-
porary re-
gistration

11.—(1) Where a person satisfies the Board—

- (a) that he is not ordinarily resident in Tanzania;
- (b) that he is or intends to be present in Tanzania in the capacity of a professionally qualified engineer for the express purpose of carrying out specific work or works for which he has been engaged; and
- “(c) that he is, or immediately prior to entering Tanzania was in practice as an engineer in a capacity which satisfies the Board of his fitness to serve the public as a professionally qualified engineer.

the Board may, if it thinks fit, direct that person be registered under this section either for a period not exceeding one year, or for the duration of any specific work or works.

(2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of considering his application and shall require every applicant to produce documentary evidence of his work or employment immediately prior to his entering Tanzania.

(3) Registration of a person under this section shall continue only for the period or for the duration of the work or works as is directed by the Board under subsection (1) and on its termination such person shall cease to be so registered and in case of doubt the decision of the Board as to the termination of the work or works shall be conclusive.

(4) A person registered under this section shall, in relation to the period or the duration of the work or works as is directed by the Board under subsection (1) and to things done and omitted in the course of such work or works, be treated as registered under this Act as a registered engineer but in relation to other matters shall be treated as not so registered.

(5) For the purpose of this section, the word persons includes body of persons corporate or unincorporate.

12.—(1) No person or body of persons not citizen of the United Republic shall be registered as a local consultant or consulting firms unless—

- (a) in the case of a natural person, he is a citizen of the United Republic.
- (b) in the case of a company, it is incorporated in Tanzania and the majority of its shares are owned by the citizens of United Republic;

“Restriction on registration of non-citizens and foreign consulting firms

(2) If the conditions stipulated in subsection (1) are not fulfilled, the person or company shall be registered as a foreign engineer, consultant or consulting firm as the case may be.

(3) Any person or firm to be registered under this section shall possess qualifications specified in subsections (6) and (7) of section 10.

13.—(1) No person other than a registered engineer shall engage in professional engineering work or services.

(2) For the purposes of this section and section 13 of this Act, “professional engineering work” includes professional services, consultation, investigation, evaluation, planning, designing or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes works or projects where public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires application of engineering principles and data; “professional engineering services” means consultancy or advisory services relating to any professional engineering work and includes selling or supplying for gain or reward any plan sketch, drawing, design, specification or other document relating to any professional engineering work.

Restriction on private practice as an engineer

(3) A person shall be deemed not engaged in professional engineering work or services—

- (a) if that person renders such services to his employer by whom he is employed under a contract of service on a full time basis; and
- (b) at the time of so doing, that person is under the direction or supervision of a registered engineer who shall assume professional responsibility for the work or services.

(4) No body of persons whether corporate or unincorporate, shall carry on business as an engineer unless one of its partners, members or shareholders as the case may be, is a registered engineer.

(5) Where a shareholder, partner or member of a body of persons, whether corporate or unincorporate, carrying on business as an engineer

dies, that body of persons may, notwithstanding the provisions of subsection 4, continue to carry on the business until such time as the administration of the estate of the deceased is completed, as if the legal representatives were registered engineers.

(6) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporate to be registered or as empowering the Registrar to register any body of persons as registered engineers.

(7) Any person who carries on business as an engineer in contravention of this section, commits an offence and upon conviction is liable to fine of not less than five hundred thousands shillings, but not more than one million shillings, or to imprisonment for a term of not more than five years or to both that fine and imprisonment.

Restriction on employment of an engineer

14.—(1) No person shall employ or continue to employ as a professional engineer any person who is not a registered engineer.

(2) No person shall take up or continue in any employment as a professional engineer unless he is a registered engineer.

(3) Any person who contravenes any provision of this sections commits an offence and upon conviction is liable to a fine of no less than one million shillings; or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.

(4) In this section “employ” means employ under a contract of service and “employment” shall be construed accordingly.

(5) Where an employer employs any person as a trainee engineer, or technician engineer this section shall not apply to that employer or that employee in relation to the employee’s employment.

(6) Where an employee is a foreigner, subsection (5) of this section shall not apply.

PART IV

CANCELLATION AND SUSPENSION OF REGISTRATION

Power to delete and correct Register

15.—(1) The Board may at any time direct that the name of a registered engineer be deleted from the Register where that person has—

(a) failed within a period of six months from the date an inquiry sent by the Registrar by prepaid registered letter to the address appearing in the Register against his name, to notify the Registrar of his current address; or

(b) requested that his name be deleted from the register, in which case that person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings or proceedings under section 16 and 17 are being or are likely to be taken against him; or

(c) been found by the Board to be guilty of the misconduct as is provided for in section 16.

(2) The Registrar shall delete from the Register the name of every deceased person and any entry which has been incorrectly or fraudulently made.

(3) Except in the circumstances specified in paragraph (a) of subsection (1) and (2), the deletion from the register of the name of any person shall be notified by the Registrar to that person by prepaid registered letter to the address appearing in the Register against his name immediately prior to the deletion.

(4) Subject to the provisions of section 16 a person whose name has been deleted from the register under this section shall cease from the date of the deletion to be registered for the purposes of this Act.

16.—(1) Where the name of any person has been deleted from the Register under section 14, the name of that person shall not be again entered in the register except by direction of the Board.

Restoration to the register

(2) Where the name of any person has been deleted from the Register, or the effect of the registration of any person has been suspended in the terms of paragraph (b) of section 16, the Board may, either of its own motion or on the application in the prescribed manner of the person concerned, and in either case after holding the inquiry as the Board thinks fit, direct that—

- (a) the deletion from the Register be confirmed; or
- (b) the name of that person be restored to the Register; or
- (c) the suspension of the effect of the registration of that person be terminated.

(3) a direction given by the Board under subsection (2), may include provision for the date upon which a restoration to the Register or the termination of a suspension of the effect of registration shall take effect and for the payment by the person concerned of the fee, not exceeding the fee payable on an application for registration, as the Board may determine.

17. If any registered engineer is convicted of any offence under this Act or is, after due inquiry held by the Board, found to have been guilty of any act or omission amounting to improper or disgraceful conduct in a professional respect the Board may—

Powers to suspend registration, etc.

- (a) caution or censure that registered engineer;
- (b) direct that, during the period as the Board may specify, the registration of his name shall not have effect; or
- (c) direct that his name be deleted from the Register.

PART V
INQUIRIES AND APPEALS

Proceed-
ings at in-
quiry

18.—(1) Upon any inquiry held by the Board the person or firm whose conduct is being inquired into, shall be entitled to appear and to be heard in person or to be represented by an advocate.

(2) For the purposes of proceedings at any inquiry held by it, the Board shall have power,

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order the production of documents.

(3) All summonses and orders issued under the hand of the chairman or the vice-chairman of the Board shall be deemed to be issued by the Board.

(4) The chairman, or in his absence the vice-chairman, of the Board shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.

(5) Subject to the provisions of this section and of any regulations made under section 32 the Board shall have power to regulate its own procedure at an inquiry held by it.

Cap 16

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be a judicial proceeding.

Disobedi-
ence of
summons
and re-
fusal to
give evi-
dence

19.—(1) Any person upon whom summons or an order issued under the provisions of section 17—

- (a) refuses or omits without sufficient cause to attend at the time and place mentioned in the summons; or
- (b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board; or
- (c) refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order,

commits an offence and upon conviction is liable to a fine not exceeding twenty thousand shillings.

(2) Any person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

20.—(1) Any person or firm aggrieved by the decision of the Board to refuse to register his name; to delete the name of a registered engineer; to refuse to restore a name to the Register or to suspend the effect of registration of his name, may appeal to the Appeals Authority against the decision of the Board and the Appeals Authority may in that appeal, give any directions in the matter which it thinks proper and if the aggrieved party is not satisfied with the decision of the Appeals Authority, he may further appeal to the High Court.

Appeals
against
decisions
of the
Board

(2) The Board may appear as respondent and be heard on any appeal against its decision and, for the purpose of enabling directions to be given as to the costs of any appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

21. The Appeals Authority shall consist of—

Appeals
Authority

- (a) a Chairman to be appointed by the Minister;
- (b) a member from the Attorney General's Chambers nominated in that behalf by the Attorney General;
- (c) two members appointed by the Minister who are not employees of the Ministry of Works; and
- (d) four other members appointed by the Minister who shall be—
 - (i) one registered engineer nominated by the Institution of Engineers, Tanzania;
 - (ii) one registered engineer nominated by the Association of Consulting Engineers Tanzania;
 - (iii) one registered architect nominated by the Architectural Association of Tanzania; and
 - (iv) one registered contractor representing a Contractors Association in Tanzania.

22.—(1) The minister may after consultation with the Attorney General make rules for regulating appeals to the Appeals Authority and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal.

Rules of
proceed-
ings be-
fore Ap-
peals Au-
thority

(2) Subject to any rules made under subsection (1), the provisions of section 17 and 18 shall apply *mutatis mutandis*, in relation to appeals made under section 19 and to persons summoned to give evidence before the Appeals Authority.

PART VI

RESTRICTIONS ON PRACTISING AS ENGINEERS OR ENGINEERING CONSULTANTS

Use of description "Registered Engineer" and effect registration

23. Every person whose name has been entered in the Register as a registered consulting engineer or a registered engineer shall, so long as his name remains in the Register, be entitled to adopt and use the style and title "Registered Consulting Engineer" or a "Registered Engineer", or such contraction thereof as the Board may approve, and to offer his services to the public for gain or reward or by way of trade as a professionally qualified engineer or consulting engineer.

Use of description "Registered Technician Engineer" etc.

24. Every person whose name has been entered in the Register shall, so long as his name remains in the Register, be entitled to adopt and use the style and title so registered.

Restriction on use of title and claim to qualifications by non-registered person

25.—(1) Any person who, not being a registered consulting engineer or a registered engineer—

- (a) falsely pretends to be a registered consulting engineer or registered engineer;
- (b) uses the style or title "registered consulting engineer", or registered engineer; or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that such person is a registered consulting engineer or a registered engineer;
- (c) holds himself out, whether directly or by implication, to be a professionally qualified engineer,

commits an offence and upon conviction is liable to a fine of one million shillings or to imprisonment of not less than two years or both that fine and imprisonment.

(2) Any person whose name has been registered under this Act in one or more disciplines, pretends to be or hold himself or acts as if he was registered in another commits an offence and upon conviction is liable to a fine of not less than one million shillings or to a term of imprisonment of not less than two years or to both that fine and imprisonment.

PART VII

GENERAL PROVISIONS

26. Any person who—

- (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register or any copy thereof; or
- (b) fraudulently procures or attempts to procure himself or any person to be registered under this Act; or

- (c) knowingly and wilfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person commits an offence and upon conviction is liable to a fine of not less than five hundred thousand shillings or imprisonment not exceeding one year or to both that fine and imprisonment.

27.—(1) The Board shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year cause the accounts relating to the financial year together with—

Accounts
and audit

- (a) a statement of income and expenditure during that financial year; and
(b) a statement of the assets and liabilities of the Board on the last day of that financial year, to be submitted to and audited by duly registered and authorised auditors.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report shall be forwarded to the Minister.

28. The Registrar shall, at the end of each financial year, prepare a report on the activities of the Board during that financial year and submit that report to the Minister through the Board.

Regis-
trar's re-
port

29. The funds and resources of the Board shall consist of—

Funds of
the Board

- (a) such sums as the Board may, receive by way of grant or loan from any person or organisation;
(b) such sums as the Board may, from time to time, with the consent of the Minister, borrow for the purposes of the Board;
(c) such sums as may in any manner become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of the functions of the Board.

- (d) such sums as the Board may be provided for purposes of the Board by Parliament in the form of Government subvention.

30. The Board shall have power to invest its funds in such investment as are authorized by, and subject to such conditions as are prescribed by, the Trustee Investment Act, 1967, in relation to investment of funds by a trustee.

Power to
invest
Act No.
33 of 1967

31. The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received—

- (a) copies of the statement referred in subsection (1) of section 26 together with a copy of the auditors report; and
(b) a copy of the Registrar's report.

Annual
state-
ments of
accounts
and Re-
gistrar's
report to
be laid be-
fore the
National
Assembly

Minister
may give
directions

32. The Minister may, by writing under his hand, give the Board directions of a general or specific nature which are of national interest and the Board shall comply with every such direction.

Minister
may make
regula-
tions

33. Subject to the provisions of subsection (2) of section 21, the Minister may make regulations generally for the better carrying out of the provisions of this Act and such regulations may, without prejudice to the generality of the foregoing, provide for—

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the appointment by the Board amongst its members of sub-committees and the co-option of persons to them;
- (c) the duties of the Registrar;
- (d) the issue of certificates of registration;
- (e) the fees to be paid for inspection of the Register and for certificates, extracts, copies and lists of, or in relation to, entries in the Register; and
- (f) anything which is permitted or required by this Act to be prescribed.

By-laws

34. With the consent of the Minister the Board may make by-laws for the better carrying out of its objects and functions, and without prejudice to the generality of the preceding provisions may make by-laws—

- (a) prescribing scale of fees which may be charged by engineers or consulting firms for services rendered by them;
- (b) prescribing diplomas, certificates and other awards which may be conferred or granted by the Board;
- (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;
- (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of professional training, interviews and examinations;
- (f) prescribing fees for admission to any course offered by the Board;
- (g) prescribing fees payable by the candidates for any professional interview or examination held or conducted by the Board;
- (h) providing for and regulating disciplinary proceedings against the officers of the Board, the students and candidates;
- (i) prescribing rules for professional practice, conduct and ethics for engineers and consulting firms;
- (j) prescribing the fees to be paid on application, registration, annual subscription; the issue of certificates of registration and extracts, copies and lists of, or in relation to entries in the registers and other related fees;

- (k) reconciling parties involved in disputes and in cases of disagreement, referring those cases to a legally established authority catering for arbitration;
- (l) conducting arbitration for parties under dispute whose contracts of agreement stipulate that the Board shall arbitrate their case;
- (m) evaluating certificates, diplomas, degrees and the attendance academic transcripts for the express purpose of establishing whether or not the said certificates, diplomas or degrees meet the minimum acceptable qualification for registration with the Board.

35. The Engineers (Registration) Act, 1968 is repealed.

Repeal of
Act No.
49 of 1968

36. The Minister may, at any time before the commencement of this Act, by order published in the *Gazette*, make transitional provisions which he may deem necessary for the better control and general supervision of engineers registered under the Engineers (Registration) Act, 1968.

Transi-
tional pro-
visions
Act No.
49 of 1968

37.—(1) Notwithstanding the repeal made under section 34 anything done or any action taken or purported to have been done under the repealed law shall in so far as it is not consistent with the provisions of this Act, be deemed to have done or taken under the provisions of this Act.

Savings

(2) All subsidiary legislation made under the repealed law which are in force on the commencement of this Act shall be deemed to have been made under this Act until they are revoked or rescinded by subsidiary legislation made under this Act.

SCHEDULE

(Under Section 3(3))

1.—(1) The Board shall consist of nine members namely—

- (a) a Chairman of the Board who shall be a person who has positively contributed to the engineering sector in Tanzania appointed by Minister;
 - (b) three registered engineers in the service of the Government;
 - (c) one registered engineer from a higher institution of learning;
 - (d) two registered engineers not being in the service of the Government as follows:
 - (i) one registered engineer nominated in writing by the Institution of Engineers Tanzania; and
 - (ii) one registered engineer nominated in writing by the Association of Consulting Engineers Tanzania; and
 - (e) legally qualified person holding office in the Attorney General's Chambers nominated by the Attorney-General in that behalf; and
 - (f) one professional from a profession closely related to engineering.
- (2) The members of the Board shall be appointed by the Minister.

Composi-
tion of the
Board
and te-
nure of
office

(3) A member of the Board shall, unless previously he dies or resigns or his appointment is revoked by the Minister, hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(4) the Minister may fill any casual vacancy occurring in the membership, and may revoke, the appointment of any member, and appoint a replacement in accordance with the system of representation contained in sub-paragraph (1).

(5) A member may resign by giving notice in writing to the Minister of his intention to do so.

**Election
of vice-
chairman**

2.—(1) The members shall elect a vice-chairman of the Board from amongst their number.

(2) The vice-chairman shall hold office for a period of one year from the date of his election and shall be eligible for re-election.

**Meetings
of the
Board**

3.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Board shall meet at such times as may be necessary or expedient for the transaction of its business and all meetings of the Board shall be convened by the chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of such meeting.

(2) The chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene a special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) The chairman, or in his absence the vice-chairman, shall preside at the meetings of the Board and in the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be chairman for that meeting.

**Quorum
and voting
at meet-
ings**

4.—(1) A majority of the members of the Board shall constitute a quorum at any meeting of the Board.

(2) All acts, matters and things authorized to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote and in the event of an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2) where the chairman so directs, a decision may be made by the Board without a meeting by circulating of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board.

**Minutes
of meet-
ings and
appoint-
ment of
secretary**

5.—(1) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.

(2) The Board may appoint a suitable person to be secretary to the Board for the purposes of attending meeting of the Board, keeping the minutes of the meetings and performing such other secretarial duties as the Board may require.

6. Subject to the provisions of this Schedule and to any regulations which may be made under section 32 of this Act, the Board shall have power to regulate its own procedure.

Procedure

7. The seal of the Board shall not be affixed to any instrument except in the presence of the chairman or the vice-chairman and of one other member of the Board.

The seal
of the
Board

8. Subject to the provisions of paragraph 4 relating to a quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by means only of some defect in the appointment of a member or a person who purports to be a member.

Vacancies, etc.
not to in-
validate
proceed-
ings

Passed in the National Assembly on the 10th April, 1997.



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Clerk of the National Assembly