

## CHAPTER E11

### ENGINEERS (REGISTRATION, ETC.) ACT

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Establishment of the Council for the Regulation of Engineering in Nigeria, etc.

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## **CHAPTER E11**

### **ENGINEERS (REGISTRATION, ETC), ACT**

**An Act to establish the Council of Registered Engineers of Nigeria and to make provisions for other matters connected therewith.**

[1970 NO. 55]

[5<sup>th</sup> December, 1970]

[Commencement]

*Establishment of the Council for the Regulation of Engineering in Nigeria, etc.*

1. Establishment of the Council for the Regulation of Engineering in Nigeria

- (1) There shall be established on the coming into force of this Act, a body to be known as the Council for the Regulation of Engineering in Nigeria (hereinafter in this Act referred to as “the Council”) which shall be a body corporate by the name aforesaid and be charged with the general duty of ---

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- (a) determining who are engineers for the purposes of this Act;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered

as engineers and raising those standards from time to time as circumstances may permit;

- (c) securing, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practise as registered engineers and the publication from time to time of lists of those persons;
  - (d) regulating and controlling the practice of the engineering profession in all its aspects and ramifications;
  - (e) performing the other functions conferred on the Council by this Act.
- (2) Subject to the provisions of this Act, the Council shall consist of the following members from the register of engineers, that is
- (a) one person who shall be elected by the Council as the President;
  - (b) six persons elected to represent the Nigerian Society of Engineers in the manner provided by the constitution of the Society;
  - (c) four persons appointed to represent the universities with faculties of engineering in rotation;
  - (d) one person appointed to represent the polytechnics in rotation;
  - (e) one person appointed to represent technical colleges in rotation;
  - (f) six persons appointed to represent the States of the Federation in rotation;
  - (g) four persons to be nominated by the Minister; and
  - (h) one person to represent each of the following cadres to be appointed from their respective registers, that is ---

- (i) registered engineering technologists;
- (ii) registered engineering technicians;
- (iii) registered engineering craftsmen.

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- (3) the provisions of the First Schedule to this Act shall have effect with respect to the qualification and tenure of office of members of the Council, powers and procedure of the Council and the other matters there mentioned.
- (4) Regulations may provide for increasing or reducing the membership of the Council, and may make such consequential amendments of paragraph 1 of the First Schedule of this Act as the Minister considers expedient in consequence of the increase or reduction.

(First Schedule)

## 2. **Financial Provisions**

- (1) The Council shall prepare and submit to the Minister not later than the 31<sup>st</sup> day of December of the year in which this subsection comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.
- (2) The Council shall keep proper records in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate, by a firm of auditors approved as respects that year by the Minister.

## 3. **Control of Council by Minister**

- (1) The Minister may give to the Council directions of a general character or relating generating to particular matters (but not to any individual person or case) with regard to the exercise

by the Council of its functions and it shall be the duty of the Council to comply with the directions.

- (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification, or with such modifications as appears to him to be appropriate, having regard to the representations.
- (3) In pursuance of the provisions of subsection (1) and (2) of this section, the Minister shall, subject to the approval of the President, give necessary inducement to private industries providing adequate training facilities to engineers, engineering technologists, technicians and craftsmen in training.

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The Register

#### **4. Preparation and maintenance of the register**

- (1) It shall be the duty of the Council to appoint a fit person to be Registrar for the purposes of this Act.
- (2) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars may be specified, of all persons who are entitled in accordance with the provisions of this Act, to be registered as registered engineers and who apply in the specified manner to be so registered.
- (3) The registers of engineering personnel (in this Act referred to as “the registers”) shall consist of four registers, one each for

- (a) registered engineers;
- (b) registered engineering technologists;
- (c) registered engineering technicians; and
- (d) registered engineering craftsmen.

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- (4) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular---
  - (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
  - (b) providing for the notification of the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
  - (c) authorizing a registered person to have any qualification which is, in relation to the relevant division of the profession, whether an approved qualification or an accepted qualification for the purpose of section 6 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for, any other qualifications so registered;
  - (d) specifying the fees to be paid to the Council in respect of the entry of names on the register and authorizing the Registrar to refuse to enter a name on the register until any fees specified for the entry has been paid;
  - (e) specifying anything failing to be specified under the foregoing provisions of this section, but rules made for the purpose of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.
- (5) It shall be the duty of the Registrar

- (a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion and entry which was incorrectly made;

***The Registrar***

- (b) to make from time to time any necessary alterations to the registered particulars of the registered persons;
  - (c) to remove from the part of the register which relates to provisionally registered persons all particulars relating to a person registered in the other part of that register or relating to persons ceasing for any reason to be entitled to be so provisionally registered; and
  - (d) to remove from the register the name of any registered person who has died.
- (6) If the Register-
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register, enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
  - (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person in question from the relevant part of the register; and the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

**5. Publication of Register and List of Corrections**

- (1) It shall be the duty of the Registrar –

- (a) to cause the register to be printed, published, and put on sale to members of the public, not later than two years from the beginning of the year in which this subsection comes into force; and
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council,

and it shall be the duty of the Council to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being fully or provisionally registered, and that any person not so specified, is not so registered.

### *Registration*

#### **6. Registration as Engineers**

- (1) Subject to section 16 and to rules made under section 4 (4) of this Act, a person shall be entitled to be fully registered under this Act if –
  - (a) he has attended a course of training approved by the Council under the next following section;



- (b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others;
  - (c) he holds a qualification so approved; and
  - (d) he holds a certificate of experience issued in pursuance of section 9 of this Act; and
  - (e) he has completed a minimum of two years' approved post-graduate training and has passed or is exempted from professional interview;  
(1992 No. 27)
  - (f) in the case of a craftsman, he has completed a minimum of two years' working experience in his trade and submits an acceptable certificate of experience;  
(1992 No. 27)
  - (g) he has completed his second year of industrial pupilage in an approved establishment.  
(1992 No. 27)
- (2) Subject as aforesaid, a person shall also be entitled to be fully registered under this Act if he satisfies the Council –
- (a) that he is of good character;
  - (b) that he holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection as respects the engineering profession;
  - (c) that in the country in which the qualification was granted he was under no legal disability in the practice of engineering; and
  - (d) if the Council so requires, that he has had sufficient practical engineering experience, and the Council shall from time to time publish in the Federal *Gazette* particulars of the qualifications for the time being accepted as aforesaid.

- (3) Subject as aforesaid, a person shall be entitled to be provisionally registered under this Act in the cases specified in section 12 of this Act.

## **7. Titles to be used by registered persons**

- (1) A registered engineer shall use the abbreviation “Engr” before his name.  
(1992 No. 27)
- (2) A registered engineering technologist shall use the abbreviation “Engn. Tech” after his name  
(1992 No. 27)
- (3) A registered engineering technician shall use the abbreviation “Tech” after his name.  
(1992 No. 27)
- (4) A registered engineering craftsmen shall use his full title with his trade in bracket under his name.  
(1992 No. 27)

## **8. Transfer from one register to the other**

- (1) An engineering craftsman may apply to transfer to the register of engineering technicians if he obtains the Ordinary National Diploma Certificate or an approved equivalent educational qualification and the required working experience.  
(1992 No. 27)
- (2) An engineering technician may apply to transfer to the register of engineering technologists if he obtains the Higher National Diploma Certificate or he has successfully completed an equivalent course of study in a polytechnic or college of technology or any other approved institution.  
(1992 No. 27)
- (3) An engineering technologist may apply to transfer to the register of engineers if he –

- (a) passes the examination accredited by the Council, the academic content of which shall meet the requirement for registration as an engineer; or
- (b) attends a post-Higher National Diploma course approved by the Council and run by a polytechnic or university and passes an examination accredited by the Council; or
- (c) passes a university degree programme or any examination conducted by any other body authorized by Council

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## 9. **Approval of courses, qualifications and institutions**

- (1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 6 of this Act –
  - (a) any courses of training which is intended for persons who are seeking to become, or are already, members of the engineering profession, and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialized branch of that profession;
  - (b) any institution either in Nigeria, or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training, approved by the Council under this section;
  - (c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practise engineering as a profession.
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of

engineering approve by it, and subject thereto the Council shall not approve for the purpose of subsection (1) of this section, a qualification granted by an institution in Nigeria unless the qualification has been so published by Council.

- (3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall-
  - (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as case may be;
  - (b) afford each such person an opportunity of making to the Council representatives with regard to the proposal; and
  - (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this section.
- (4) As respects any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall
  - (a) as soon as may be, publish a copy of every such instrument in the Federal Gazette; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

(6) An educational institution for the training of persons in the engineering profession shall submit a syllabus of its programme, content and minimum facilities to the Council for approval before a course approved by the National Universities Commission or the National Board for Technical Education, or any other engineering body, is commenced.

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(7) An educational institution applying for approval shall provide necessary facilities to qualify for interim approval before the first visitation is conducted by the Council.

(1992 No. 27)

(8) The National Universities Commission, the National Board for Technical Education or any other engineering body shall impose any necessary sanction on any institution failing to provide facilities under subsection (7) of this section.

(1992 No. 27)

**10. Power to compile list of establishments, etc.**

(1) The Council shall have power to compile the list of establishments which maintain adequate facilities for the training of engineering personnel.

(1992 No. 27)

(2) In pursuance of the provisions of subsection (1) of this section, the Council shall have the power to inspect approved establishments to confirm, from time to time, the adequacy of facilities within the approved establishments.

(1992 No. 27)

(3) The Council shall provide facilities for the monitoring of the post-qualification training including the payment of honoraria and expenses to inspectors.

(1992 No. 27)

- (4) The Council shall promote and update practitioners of the engineering profession through continuing education  
(1992 No. 27)

**11. Registration of Consultants**

- (1) The Council shall register annually all organizations performing engineering consultancy services.  
(1992 No. 27)
- (2) No firms or partnership shall practice as engineers in Nigeria unless it is registered by the Council.  
(1992 No. 27)
- (3) The Council may, from time to time, make regulations controlling the practice of engineering in the construction industry, including regulations as to the full-time or part-time use of persons registered with the Council:

Provided that the Council shall not be involved in the registration of contractors.

(1992 No. 27)

**12. Supervision of instructions and examinations leading to approved qualifications.**

- (1) it shall be the duty of the Council to keep itself informed of the nature of
  - (a) the instructions given at approved institutions to persons attending approved courses of training; and
  - (b) the examinations as result of which approved qualifications are granted,

and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

- (2) it shall be duty of a visitor appointed under subsection (1) of this section, to report to the Council on

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of the examinations attended by him; and
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report,

but not visitor shall interfere with the giving of any instruction or the holding of any examination.

- (3) on receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month, beginning with the date of the request.

### 13. **Certificate of Experience**

- (1) A person who, after obtaining an approved qualification, satisfies, the conditions mentioned in subsection (2) of this section, shall be entitled to received free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.
- (2) The Conditions aforesaid are –
  - (a) he shall have served his time or for the prescribed period in Nigeria with a view to obtaining a certificate of experience.
  - (b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered engineers for such periods as may be prescribed; and

- (c) the manner in which he carried out the duties of employment and his conduct during the period of his employment shall have been satisfactory.
- (3) It shall be the duty of the employer, being a registered engineer, supervising the work of persons employed with a view to obtaining a certificate of experience, to secure that the last-mentioned person is afforded proper opportunities of acquiring the practical experience required for the purpose of paragraph (b) of subsection (2) of this section.
- (4) Where, after having served his time as mentioned in paragraph (a) of subsection (2) of this section, a person is refused a certificate of experience, he shall be entitled –
  - (a) to receive from his employer particulars in writing of the grounds of the refusal; and
  - (b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought),and on any such appeal the Committee shall either dismiss the appeal or itself issue the certificate of experience in question or given such other directions in the matter as it considers just.
- (5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

### *Professional Discipline*

#### **14. The Directorate of the National Youth Service Corp to communicate location of engineers.**

The Directorate of the National Youth Service Corps shall communicate the location of graduate engineers and engineering technologists to the Council.

(1992 No. 27)



## 15. Establishment of Disciplinary Tribunal and Investigating Panel

- (1) There shall be a tribunal, to be known as the Registered Engineers Disciplinary Tribunal (hereafter in this Act referred to as “the Tribunal”), which shall be charged with the duty of considering and determining any case referred to it by Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Act.
- (2) The Tribunal shall consist of the President of the Council and eleven other members of the Council appointed by the Council, and shall include not less than four members of the Council holding office by virtue of paragraph (d) of subsection (2) of section 1 of this Act or, where the number of those members is for the time being less than four, all those members.
- (3) There shall be a body to be known as the Registered Engineers Investigating Panel (hereafter in this Act referred to as “the Panel”), which shall be charged with the duty of
  - (a) conducting a preliminary investigation into any case where it is alleged that person fully or provisionally registered has misbehaved in his capacity as such, or should for any other reason be the subject of proceedings before the Tribunal; and
  - (b) deciding whether the case should be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consist of seven members of the Council.
- (5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.

[Second Schedule]

## 16. Penalties for unprofessional conduct

- (1) Where -
  - (a) a person full registered under this Act is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a registered engineer; or
  - (b) a person provisionally registered under this Act is likewise so convicted in circumstances such that the Council is satisfied that this name ought to be removed from the register; or
  - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered; or
  - (d) the Tribunal is satisfied that the partnership, firm or organization has been practicing as engineers or engineering consultants without the annual registration.

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the Tribunal may, if it thinks fit, give a direction reprimanding that person if fully registered or whether or not fully registered, ordering the Registrar to strike his name of the relevant part of the register.

- (2) The Tribunal may, if it thinks fit, defer or further defers its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but -
  - (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and
  - (b) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.

- (3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal, and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.
- (6) A direction of the Tribunal under subsection (1) of this section shall take effect -
  - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
  - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
  - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal

on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he had duly made such an application, from the date of his last application) as may be specified in the direction.

*Miscellaneous and general*

**17. Provisional registration of persons not citizens of Nigeria**

- (1) Where a person satisfies the Council -
- (a) that he has been selected for employment for a specified period in a capacity in which a person fully registered as an engineer under this Act would normally be employed and that he is or intends to be in Nigeria temporarily for the purposes of serving for that period in the employment in question;
  - (b) that he holds, or has passed examinations necessary for obtaining some qualification granted outside Nigeria, which is for the time being accepted by the Council for the purposes of this section as respects the capacity in which, if employed, he is to serve,

the Council may, if it thinks fit, give a direction that he shall be temporarily registered as an engineer.

- (2) The temporarily registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease -
- (a) on the termination of the period of employment specified to the Council under that subsection; or
  - (b) on the termination of the said employment before the end of that period, whichever occurs first:

Provided that nothing in this subsection shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specified period whose

commencement coincides with the termination of another such period.

- (3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) of this section, to things done or omitted in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.
- (4) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purposes of subsection (2) of this section.
- (5) Nothing in this section shall have effect to exempt any person provisionally registered as an engineer pursuant to this section from payment of an annual practicing fee.
- (6) The Registrar, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

## 18. **Offences**

- (1) Any person not a registered engineer who –
  - (a) for or in expectation of reward practices or holds himself out to practise as such; or
  - (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practise as a registered engineer,shall be guilty of an offence.
- (2) Any person on the provisional register who, otherwise than in accordance with section 12 of this Act –
  - (a) for or in expectation of reward, practise or holds himself out to practise as a registered engineer; or
  - (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practise as a registered engineer,

shall be guilty of an offence.

- (3) If any person, for the purpose of procuring the registration of any name, qualification or other matter –
  - (a) makes a statement which he believes to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

- (4) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable –
  - (a) on conviction in any court of inferior jurisdiction, to a fine not exceeding N100;
  - (b) on conviction in a High Court, to a fine not exceeding N1,000 or imprisonment for a term not exceeding two years, or to both such fine and imprisonment.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## 19. **Miscellaneous supplementary provisions**

- (1) Subject to the following provisions of this section, a person shall not hold an appointment requiring status as a registered engineer under this Act in the public service of the Federation or State or in the armed forces of the Federation,

unless he is an engineer registered under this Act or is otherwise exempted.

- (2) A registered engineer under this Act, shall, but to the extent only of his particular qualifications, be entitled to practise as a registered engineer throughout the Federation.
- (3) It shall be the duty of any person in charge of any university in the Federation, having attached thereto a faculty of engineering, at which there is held a course of training intended for persons who are seeking to become registered engineers under this Act, to furnish to the Registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the Council may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.
- (4) In this section “**public service**” includes service as a registered engineer in or with any institution or corporation (Federal or State) or State-owned company.

## 20. **Recovery of fees, etc**

Without prejudice to any rule of law whereby a contract may be avoided for inconsistency with an enactment, a person other than a fully registered engineer shall not be entitled to recover by process of law, fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him in intended pursuance of any contract while purporting to act as a registered engineer.

## 21. **Regulations, rules and orders**

Any power to make regulations, rules or orders conferred by this Act shall include power-

- (a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purpose of this instrument;

- (b) to make different provision for different circumstances; and
- (c) to make provisions for the control of the practise of engineering in the construction industry, including rules at to the registration with the Council:

Provided that the Council shall not be involved in the registration of contractors.

(1992 No. 27)

## 22. Interpretation, etc

(1) In this Act, unless the context otherwise requires -

**“approved engineering qualification”** means a qualification which is approved in respect of the engineering profession;

**“approved”** means for the time being approved under section 9 of this Act;

**“certificate of experience”** means a certificate granted in pursuance of section 13 of this Act;

**“engineering personnel”** includes a registered engineer, engineering technologist, engineering technician and engineering craftsman;

**“Minister”** means the Minister charged with responsibility for matters relating to the engineering profession generally;

**“polytechnic”** includes colleges of technology;

(1992 No. 27)

**“practice of engineering”** includes any professional service or creative work requiring the application of special knowledge of mathematics, physics and engineering in form of consultation, invention, discovery, valuation, research and teaching in recognized engineering institutions, planning, operation, maintenance supervision of construction and installation involving investigating, advising, operating, evaluating, measuring, planning, designing, specifying, laying and directing, constructing, commissioning, inspecting or testing in connection with any public



or private utilities, structures, buildings machines, equipment, processes, works or projects;

(1992 No. 27)

**“prescribed”** means prescribed by regulations made under this Act;

**“register”** means the register maintained under this Act, and

**“registered”** shall be constructed accordingly;

**“registered engineer”** means a person registered under this Act;

**“regulations”** means regulations made by the Minister;

**“the Council”** means the Council of Registered Engineers of Nigeria established by section 1 (1) of this Act;

**“the Panel”** has the meaning assigned to it by section 15 (3) of this Act;

**“the Registrar”** means the Registrar appointed in pursuance of section 4 of this Act;

**“the Tribunal”** has the meaning assigned to it by section 15 (1) of this Act.

(2) For the purpose of this Act -

(a) a person is fully registered if his name is for the time being entered in the part of the register maintained in respect of fully registered persons; and

(b) a person is provisionally registered if his name is for the time being entered in the other part of the register,

And **“fully registered”** and **“provisionally registered”** shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorized or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, but subject

to the provisions of rules made under the Second Schedule to this Act, be served by post.

(1992 No. 27)

23. **Short title**

This Act may be cited as the Engineers (Registration, etc) Act.

## **SCHEDULES**

### **FIRST SCHEDULE**

#### *Supplementary provisions relating to the Council*

##### *Qualifications and tenure of office of members.*

1. (1) A person shall not be a member of the Council unless he is a citizen of Nigeria, fully registered as an engineer under this Act.
- (2) A person who is not a member of the Council by virtue of his election by the Nigerian Society of Engineers or of his appointment as a member of any of the public services of Nigeria or under section 1 (2) (c) of this Act shall, subject to the following provisions of this paragraph, hold office for the period of three years beginning with the date of his appointment or election as a member.
- (3) Persons elected by the Nigerian Society of Engineers shall hold office as members of the Council for such term not less in any event than two years from the date of election, as may be provided by the constitution of that Society.
- (4) Any member of the Council holding office otherwise than by virtue of his appointment as a member of the public services as aforesaid may, by notice to the Council, resign his office.
- (5) Subject to subsection (2) of section 1 of this Act, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council.
- (6) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be, appointed or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to paragraph (d) of subsection (1) of section 1 of this Act) the foregoing provisions of this sub-paragraph shall not apply where a person holding office as a member of the Council in pursuance of that paragraph ceases to hold office

at a time when the residue of his term does not exceed one year.

- (7) The power of appointing a person as president of the Council shall –
- (a) during the period of three years beginning with the date when this sub-paragraph comes into force, be exercisable by the Minister; and
  - (b) after the expiration of the period be exercisable by the Council, and where an existing member of the Council is appointed president, his office as an existing member shall become vacant and his term of office as president shall begin on the date of his appointment as president.

#### ***Power of the Council***

2. (1) Subject to the following sub-paragraph and to any directions of the Minister under this Act, the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying of its activities.
- (2) The Council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and shall not have power to pay remuneration (including pensions) allowances or expenses to any member, officer or servant of the Council or to any other person except in accordance with scales approved by the Minister.

#### ***Proceedings of the Council***

- (3) Subject to the provisions of the Act and section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any Committee thereof.

(Cap. 123)

- (4) The quorum of the Council shall be eleven and the quorum of any Committee of the Council shall be determined by the Council.
- (5)
  - (1) The Council shall appoint one of its members to be the vice-president of the Council for such period as the Council may determine, so however that a vice-president who ceases to be a member shall cease to be vice-president.
  - (2) At any time while the office of president is vacant or the president is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the vice-president shall perform those functions, and references in this schedule to the president shall be constructed accordingly.
- (6)
  - (1) Subject to the provisions of any standing order of the Council, the Council shall meet whenever it is summoned by the president; and if the president is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
  - (2) At any meeting of the Council the president or in his absence the vice-president shall preside, but if both are absent the members present at the meeting shall appoint one of their members to preside at the meeting.
  - (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
  - (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit to the member who shall preside and the procedure which shall be followed at the meeting.

### *Committees*

- (7) (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.
- (2) A Committee appointed under this paragraph shall consist of the number of persons one third of those persons may be persons who are not members of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a Committee of the Council other than the Committee mentioned in section 13 (4) of this Act shall be of no effect it is confirmed by the Council.

### *Miscellaneous*

- (8) (1) The fixing of the seal of the Council shall be authenticated by the signature of the president or of one other member authorized generally or specially by the Council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.

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## **SECOND SCHEDULE**

### **Supplementary provisions relating to the Disciplinary Tribunal and Investigating Panel** [section 15 (5).]

#### *The Tribunal*

1. The quorum of the Tribunal shall be four

2. (1) The Chief Justice of Nigeria shall make rules as to be selection of members of the Tribunal for the purpose of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall in particular provide -
  - (a) for securing that notice of the proceedings shall be given, at such time in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
  - (b) for determining who, in addition to the person aforesaid shall be a party to the proceedings;
  - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
  - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
  - (e) subject to the provisions of section 16 (5) of this Act, as to the costs of proceedings before the Tribunal;
  - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;
  - (g) for publishing in the Federal Gazette of notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any part to the proceedings may sue out of the registry of the High Court, as the case may require, writs of subpoena **ad testificandum** and **duces**

*tecum*; but no person appearing before the Tribunal shall be compelled-

- (a) to make any statement before the Tribunal tending to incriminate himself; or
  - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven year's standing.
- (2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing-
- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;
  - (b) that every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

### ***The Panel***

5. The quorum of the Panel shall be three.



6. (1) The Panel may, at any meeting of the Panel attended by not less than six members of the Panel, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

### *Miscellaneous*

7. (1) A person ceasing to be member of the Tribunal or the Panel shall be eligible for re-appointment as a member of that body.
  - (2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to the case.
8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was entitled to do so took part in the proceedings of that body.
  9. The Tribunal and the Panel may each sit in two or more divisions.
  10. Any document authorized or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar.
  11. Any expenses of the Tribunal or the Panel shall be defrayed by Council.
  12. A person shall not, by reason only of his appointment as a legal assessor to the Tribunal or as a member of the Panel, be treated as holding an office of emolument under the Government of the Federation or any State thereof.

## **CHAPTER E 11**

### **ENGINEERS (REGISTRATION, ETC) ACT**

#### **SUBSIDIARY LEGISLATION**

##### *List of Subsidiary Legislation*

1. Registered Engineers (Disciplinary Tribunal and Assessors) Rules.

#### **REGISTERED ENGINEERS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES**

##### **ARRANGEMENT OF RULES**

##### *Proceedings before the Tribunal*

#### **RULES**

1. Reference of case to Tribunal
2. Parties and appearance
3. Notice of hearing and service
4. Hearing in absence of parties
5. Witnesses and evidence
6. Amendment of charges
7. Proceedings to be in public
8. Adjournment of hearing
9. False evidence.

##### *Findings, etc*

10. Findings and costs.
11. Publication of Tribunal's findings.
12. Record of proceedings.
13. Dispensing with certain provisions.
14. Power to retain exhibits pending appeal.
15. Appointment and duties of assessors.

## *Supplementary*

### **RULES**

16. Interpretation
17. Short title.

### **SCHEDULE**

#### *Notice of hearing by the Registered Engineers Disciplinary Tribunal*

### **REGISTERED ENGINEERS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES**

[S.I. 14 of 1980]

Under paragraphs 2 and 4 of the Second Schedules

[20<sup>th</sup> June, 1980]

[Commencement]

#### *Proceedings before the Tribunal*

##### **1. Reference of case to Tribunal**

In any case where in pursuance of section 15 (3) of the Act the Panel is of the opinion that a *prima facie* case is made against a registered engineer, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

##### **2. Parties and appearance**

- (1) The parties to proceedings before the Tribunal shall be -
  - (a) the complainant;
  - (b) the respondent;
  - (c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

- (2) Any part to the proceedings may appear in person or be represented by a legal practitioner, so however that the Tribunal may order a party to the proceedings to appear in person if of opinion that it is necessary in the interest of justice but without prejudice to his right to counsel.

**(3) Notice of hearing and service**

- (1) On the direction of the Chairman, the Secretary shall fix a day for the hearing or the case and forthwith thereafter shall, in the form set out in the Schedule to these Rules, service notice thereof on each party to the proceedings.
- (2) The Secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all documents considered by the Panel.
- (3) It shall be sufficient compliance with this rule if any process required to be served is handed to the party concerned or affected personally or is sent by registered post to the last known place of residence or abode of the party.

**4. Hearing in absence of parties**

- (1) Subject to the next succeeding paragraph, the Tribunal may hear and determine a case in the absence of any party.
- (2) Any party to the proceedings before a Tribunal who fails to appear or be represented, or who has previously appeared before the Tribunal but subsequently fails to appear or be represented, may apply, within thirty days after the date when the pronouncement of the findings and directions of the Tribunal were given, for a re-hearing on the grounds of want of notice or other good and sufficient reason; and the Tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

**5. Witnesses and evidence**

The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of

the charge or charges referred to its by Panel; and in the application of this rule, the provisions of the Evidence Act or the Evidence Law in force in the State where the Tribunal holds its sittings, shall apply to any such proceedings.

[Cap. E14]

**6. Amendment of charges**

If in the course of the proceedings it appears to the Tribunal that the charge or charges referred to it by the Panel require to be amended in any respect, the Tribunal may permit such amendment as it think fit.

**7. Proceedings to be in public**

The Proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced in public.

**8. Adjournment of hearing**

If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

*Findings, etc*

**10. Findings and costs**

If, after the hearing, the Tribunal adjudged that the charge of professional misconduct has not been proved, the Tribunal –

- (a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates.
- (b) may, nevertheless, order any party (except the complainant) to pay the costs of the proceedings, if, having regard to his conduct and to all the circumstances of the case, the Tribunal thinks fit so to order.

**11. Publication of Tribunal's findings**

Subject to section 16 (3) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal *Gazette* as soon as may be after the direction takes effect.

**12. Record of proceedings**

(1) Shorthand notes of the proceedings may be taken by a person appointed by the Tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal, and to the Council of Registered Engineers of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary.

(3) If no shorthand notes are taken, the Chairman shall take a note of the proceedings and, accordingly, the provisions of these Rules as to inspection and supplying of copies shall apply to such notes.

**13. Dispensing with certain provisions**

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.

**14. Power to retain exhibits pending appeal**

The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

## 15. **Appointment and duties of assessors**

- (1) An assessors, when nominated in accordance with paragraph 4 (1) of the Second Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the Tribunal

[Public Notice 122 of 1948]

- (2) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Secretary not later than three days before the date appointed for the meeting; and he shall there advise the Tribunal on questions of law arising in proceedings before it.
- (3) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Act, shall be tendered in the presence of every party or of his counsel.
- (4) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the Tribunal.
- (5) Fees to be paid to the assessor shall be such as may be determined by the Council from time to time, with the consent of assessor.

### *Supplementary*

## 16. **Interpretation**

In these Rules, unless the context otherwise requires –

“**Chairman**” means the Chairman of the Registered Engineers Disciplinary Tribunal;

**“Complainant”** means the Registered Engineers Investigating Panel or any member thereof;

**“Respondent”** means the person required to answer any charge of professional mis-conduct;

**“Secretary”** means a person appointed to act as the Registrar under section 4 (1) of the Act.

17. **Short title**

These Rules may be cited as the Registered Engineers (Disciplinary Tribunal and Assessors) Rules.