

THE UNITED REPUBLIC OF TANZANIA



No. 49 OF 1968

I ASSENT,


President

10TH OCTOBER, 1968

An Act to provide for the Registration of Engineers and for other matters incidental to and connected with the Activities of Engineers

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Engineers (Registration) Act, 1968 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires-

Interpretation

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

"Minister" means the Minister for the time being responsible for works;

"the register" means the register kept under the provisions of section 6;

"registered engineer" means a person whose name is for the time being entered in the register;

"Registrar" means the Registrar of the Engineers Registration Board appointed under section 5.

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 in accordance with the functions and powers conferred upon it by this Act.

Establishment of the Engineers Registration Board

	<p>(2) The Board shall-</p> <p>(a) be a body corporate with perpetual succession and a common seal;</p> <p>(b) in its corporate name be capable of suing and being sued;</p> <p>(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.</p> <p>(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.</p> <p>(4) The Minister may, by order published in the <i>Gazette</i>, amend, add to, vary or revoke and replace the provisions of the Schedule to this Act.</p>
Limitation of liability of members	<p>4. 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.</p>
Appointment of Registrar	<p>5. The Minister shall appoint a Registrar of the Board who may person holding an office of emolument in the public service and who shall hold and vacate office in accordance with the terms of his appointment.</p>
Register of engineers and entries therein	<p>6.-(1) The Registrar shall keep and maintain a register in which the name of every person entitled to have his name entered therein shall be entered as soon as is practicable after his being accepted by the Board for registration, showing against his name-</p> <p>(a) the date of such entry;</p> <p>(b) his address;</p> <p>(c) his qualifications; and</p> <p>(d) such other particulars as the Board may from time to time direct.</p> <p>(2) All changes in the particulars registered under subsection (1) shall be entered in the register by the Registrar.</p>
Publication of register and list	<p>7.-(1) The Registrar shall cause to be published in the <i>Gazette</i>, 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 to be so published any amendment to or deletion from the register.</p> <p>(2) The Registrar shall cause to be published in the <i>Gazette</i>, as soon as conveniently may be after the first day of January in each year, a list containing the names, addresses and qualifications of all registered engineers remaining on the register at the close of the previous year.</p>
Publication prima facie evidence registration	<p>8.-(1) A publication under the provisions of section 7 shall be <i>prima facie</i> 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 such publication, or the absence of the name of any person from such publication, shall be <i>prima facie</i> evidence that such person is not so registered.</p> <p>(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 <i>prima facie</i> evidence of the facts stated therein.</p>

9.-(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 if he is-

Qualifica-
tion for
registration
of engineers

- (a) a member of an institution of engineers the membership of which is recognized for the time being by the Board as furnishing a sufficient guarantee of academic knowledge of and, practical experience in engineering; or
- (b) a person who has attained the age of twenty-five years and who-
 - (i) is the holder of a degree, diploma or licence of a university or school of engineering which may be recognized for the time being 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 such practical training in engineering as may be approved by the Board:

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

(2) 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 of an applicant until so satisfied.

10.-(1) Where a person satisfies the Board-

- (a) that he is not ordinarily resident in Tanganyika,
- (b) that he is or intends to be present in Tanganyika 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 Tanganyika was, in practice as an engineer in such a capacity as to satisfy the Board of his fitness to serve the public as a professionally qualified engineer,

Temporary
registration

the Board may, if it thinks fit, direct that such person shall 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 Tanganyika.

(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. 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.

Power to delete from and correct the register

11.-(1) The Board may at any time direct that the name of a registered engineer be deleted from the register where such person has-

- (a) failed within a period of six months from the date of an enquiry 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 such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings or proceedings under sections 13 and 14 are being or are likely to be taken against him; or
- (c) been found by the Board to be guilty of such misconduct as is provided for in section 13.

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

(3) Except in the circumstances specified in paragraph (a) of subsection (1) and in subsection (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 such deletion.

(4) Subject to the provisions of section 12, a person whose name has been deleted from the register under this section shall cease from the date of such deletion to be registered for the purposes of this Act.

Restoration to the register

12.-(1) Where the name of any person has been deleted from the register under section 11, the name of that person shall not be again entered in the register except by direction of the Board.

(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 13, 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 such 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 such fee, not exceeding the fee payable on an application for registration, as the Board may determine.

13. If any registered engineer is convicted of any offence against 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-

Power to suspend registration, etc.

- (a) caution or censure such registered engineer;
- (b) direct that, during such 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.

14.-(1) Upon any inquiry held by the Board under section 13, the person whose conduct is being inquired into shall be entitled to appear and to be heard in person or to be represented by an advocate.

Proceedings at inquiry

(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 20, the Board shall have power to regulate its own procedure at an inquiry held by it.

(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.

Cap. 16

15. Any person upon whom a summons or an order issued under the provisions of section 14 has been served who refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or 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 refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings:

Disobedience of summons and refusal to give evidence

Provided that every 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.

Appeals
against
decisions of
the Board

16.-(1) Any person aggrieved by a decision of the Board to refuse to register his name, or to delete the name of a registered engineer from the register, or to refuse to restore a name to the register, or to suspend the effect of registration of his name, may appeal to the High Court against the decision of the Board and in any such appeal the High Court may give such directions in the matter as it thinks proper, and any order of the High Court under this section shall be final.

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

(3) The Chief Justice may make rules for regulating appeals to the High Court under this section 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, and until any such rules are made and subject to any such rules when made the provisions of the Civil Procedure Code, 1966 shall apply as if the decision or direction of the Board was a decree of a court exercising original jurisdiction.

Acts 1966
No. 49

Use of
description
"Registered
Engineer"
and
effect of
registration

17. 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 "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.

Restrictions
on use of
title and
claim to
qualifications
by non-
registered
persons

18.-(1) After the expiration of six months from the date of the coming into operation of this Act, or such further period as may be allowed by the Minister under subsection (2), any person who, not being a registered engineer-

- (a) falsely pretends to be such; or
- (b) uses the style or title "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 engineer; or
- (c) holds himself out, whether directly or by implication, to be a professionally qualified engineer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings.

(2) The Minister may, by notice in the *Gazette*, extend the period of six months provided for in subsection (1) either generally or in respect of any particular person or persons.

Offences

19. 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 other 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,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.

20. Subject to the provisions of subsection (3) of section 16, the Minister may make regulations generally for the better carrying out of the provisions of this Act and any such regulations may, without prejudice to the generality of the foregoing, provide for-

Minister
may make
regulations

- (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 thereto;
- (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;
- (f) the exemption of any persons or class of persons from all or any of the provisions of this Act, provided they comply with such conditions as may be prescribed by the regulations; and
- (g) anything which is permitted or required by this Act to be prescribed.

21. Nothing in this Act shall prohibit or render liable to prosecution any person who is registered in accordance with the provisions of the Architects and Quantity Surveyors Ordinance, or to whom the proviso to section 2 of that Ordinance applies, from performing any function or exercising any power which he may properly perform or exercise as an architect or a quantity surveyor, as the case may be.

Exemption of
architects
and
quantity
surveyors
Cap. 276

SCHEDULE

1.-(1) The Board shall consist of seven members and the Minister may nominate as its chairman one of the members appointed by him under sub-paragraph (2).

(2) The members of the Board shall be-

- (a) three registered engineers in the service of the Government, appointed by the Minister;
- (b) three registered engineers not being in the service of the Government, appointed by the Minister; and
- (c) the Attorney-General or such legally qualified person holding office in the Attorney-General's Chambers as the Attorney-General may in writing nominate in that behalf:


Composi-
tion of
the Board,
chairman
and
members
tenure of
office

Provided that the first persons to be appointed under items (a) and (b) of this sub-paragraph shall be persons who, in the opinion of the Minister, are qualified for registration under the provisions of section 9 of the Act.

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

Election of vice-chairman	<p>(4) The Minister may fill any casual vacancy occurring in the membership, and ^{revoke the} may appointment of any member, and appoint a replacement in accordance with representation contained in sub-paragraph (2).</p> <p>(5) A member may resign by giving notice in writing to the Minister of his intention to do so.</p> <p>2.-(1) The members shall elect a vice-chairman of the Board from amongst their number.</p> <p>(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.</p>
Meetings of the Board	<p>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 date for the holding of each meeting.</p> <p>(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.</p> <p>(3) The chairman or in his absence the vice-chairman, shall preside at the meetings of Board. 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.</p>
Quorum and voting at meetings	<p>4.-(1) A majority of the members of the Board shall constitute a quorum at any meeting of the Board.</p> <p>(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.</p> <p>(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.</p> <p>(4) Every member of the Board shall have one vote and in the event of an equal vote the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.</p> <p>(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 circulation 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.</p>
Minutes of meetings and appointment of secretary	<p>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.</p> <p>(2) The Board may appoint a suitable person to be secretary to the Board for the purposes of attending meetings of the Board, keeping the minutes of the meetings and performing such other secretarial duties as the Board may require.</p>
Procedure	<p>(6) Subject to the provision of this Schedule and to any regulations which may be made under section 20 of the Act, the Board shall have power to regulate its own procedure.</p>
The seal of the Board	<p>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.</p>
Vacancies, etc. not to invalidate proceedings	<p>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 reason only of some defect in the appointment of a member or a person who purports to be a member.</p>

Passed in the National Assembly on the second day of October, 1968.


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 Clerk of the National Assembly