

GOVERNMENT NOTICE NO. 265 published on 02/09/2016

THE ENGINEERS REGISTRATION (REGISTRATION OF INDEPENDENT
CONSULTING ENGINEERS) RULES, 2016

ARRANGEMENT OF REGULATIONS

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“Certificate” means a certificate of registration issued under these Rules;

“Certificate holder” means a holder of certificate of registration issued under these Rules;

“Independent Consulting Engineer” means a Consulting Engineer as provided for under section 10 (2) of the Engineers Registration act;

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“Registrar” means the Registrar of the Board.

“Regulation” means the Engineers Registration Regulations

PART II

REGISTRATION OF INDEPENDENT CONSULTING ENGINEERS

Registration

4.-(1) A person who intends to operate as an Independent Consulting Engineer shall before commencing his operations, apply for registration to the Board.

(2)The application made under sub rule (1), shall be accompanied by-

- (a) a fee of an amount as the board may from time to time prescribe;
- (b) documentary evidence on the nationality of the applicant;
- (c) a copy of a valid certificate of registration as professional engineer or consulting engineers;
- (d) full names and addresses of two referees of the applicant who are consulting engineers;
- (e) documentary evidence of permanent postal and physical address; and
- (f) such other information or particulars of the applicant as may be required by the registrar or Board for the purpose of registration.

(3) A person shall be eligible for registration as Independent Consulting engineer if he is a Tanzania citizen and has-

- (a) a minimum of-
 - (i) five years post registration as

- consulting engineer in the field of specialization applied for; or
- (ii) fifteen years post-registration experience as a professional engineer out of which five consecutive years are in the field of specialization applied for;
- (b) a clean record of professional conduct and ethics as may be determined by the Board;
 - (c) satisfied the board of his professional competency; and
 - (d) practiced as provided under the rules made by the board.
- (4) The registrar shall, after receiving the application under rule (1):
- (a) verify the contents of application together with the attached documents;
 - (b) communicate in writing with the referees on the application for registration of the applicant; and
 - (c) prepare a brief report on the application with the recommendation to the board for the registration of the applicant.
- (5) The Board may, after due consideration of the application together with the recommendations of the registrar, direct the Registrar-
- (a) to register the applicant as an Independent Consulting Engineer; and
 - (b) to issue a certificate of registration accordingly.
- (6) A person who operates as an Independent Consulting Engineer in contravention to these Rules commits an Offence.

Furnishing of further information or evidence

5. The board may, prior to determination of the matter under rule 7, require an applicant for registration-

- (a) to furnish such further information or evidence of eligibility for registration as it may deem fit; or
- (b) to appear in person before the Board for further

clarification on the submitted documents.

Applications with no prerequisites

6.-(1) An application which has not fulfilled the prerequisites for registration within one year of lodging, such applications shall be revoked.

(2) A person whose application has been revoked shall be required to make a fresh application.

Refusal of an application

7.-(1) The Board may, subject to the provisions of these Rules, reject the application for registration, if-

- (a) it is not satisfied with the contents of application and particulars of the applicant;
- (b) the applicant has not complied with the requirements of these Rules; or
- (c) the applicant has submitted false documents or false information to the Board.

Decision of the Board in relation to an application

8.-(1) The Registrar shall, within fourteen working days from the date of the Board's decision, communicate to the applicant on the decision of the Board in relation to an application for registration.

(2) Communication by the Register under this rule shall be effected through the applicant's address indicated on the application form.

(3) The decision of the Board in relation to application under these Rules shall be final.

PART II

CERTIFICATE OF REGISTRATION

Certificate of Registration

9. The certificate of registration to be issued under the Rules shall contain:

- (a) full names and address of the registered Independent Consulting Engineer;
- (b) a field of specialization in respect of which the registration is effected;
- (c) dates of validity of the issued certificate;
- (d) terms and conditions of the issued certificate as may be determined by the Board; and

(e) names and signature of the issuing authority.

Obligation of
certificate holder

10.-(1) A person who holds a certificate of registration issued under these Rules shall be obliged to-

- (a) carry on his business in compliance with the relevant laws;
- (b) observe professional ethics and such terms and conditions imposed upon registration;
- (c) pay subscription fees as may be determined by the Board;
- (d) communicate to the Registrar by annual returns form on the progress of his operations as Independent Consulting Engineer;
- (e) notify the Registrar on any changes of address or of other particulars; and
- (f) display the certificate of registration whenever required to do so by the Registrar or a person authorized by him.

(2) The Registrar may, where a certificate holder is in contravention of any provision of subsection (1), suspend or cancel the certificate and notify the holder in writing requiring him to cease operations as Independent Consulting Engineer for such time as may be specified in the notice.

(3) An Engineer who fails without good cause to comply with the requirement of the Registrar under subsection (2), commits an offence.

Validity of
certificate of
registration

11. A certificate of registration issued to the applicant under these Rules shall be valid for a period as long as his name remains in the Register.

Renewal of
certificate of
registration

12.-(1) A person who holds a certificate of registration may, within two months prior to the expiry of this certificate, apply to the Registrar for the renewal of his certificate of registration.

(2) An application for renewal shall be made in the prescribed form and shall be accompanied by the prescribed fee as may be determined by the Board.

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- (3) An Registrar may reject an application for renewal if the applicant is in default or has violated the terms and conditions of his registration.
- Area of practice 13.-(1) Independent consulting Engineer shall be deployed on assignments for which:
- (a) teams of personnel are not required;
 - (b) no additional outside professional is required; and
 - (c) the experience and qualifications of the Individual are the paramount requirement.
- (2) The practice of Independent Consulting Engineer shall be as provided in the terms and conditions of engagement of Independent Consulting Engineers provided by Board from time to time.
- (3) Individuals employed by a procuring entity shall meet all relevant qualifications and shall be fully capable of carrying out the assignment.
- (4) Capability shall be judged on the basis of professional competence, experience and knowledge of the local conditions.
- (5) from time to time, permanent staff or associate of a consulting firm may be available as individual consultants. In such cases, the conflict of interest provisions shall apply to the parent firm.
- Inspection 14. The Board may, for the purpose of ensuring compliance with the terms of these Rules, and subject to the provisions of the Act and the Regulations thereof, cause to be conducted inspection in the premises or place of work of an Independent consulting Engineer.
- De-registration 15.(1) Notwithstanding the validity of the certificate under rule 11, the Registrar may, at any time prior to expiry of validity period and subject to the provisions of these Rules, de-register a person registered as Independent Consulting Engineer.
- (2) De-registration of Independent Consulting Engineer in any category can be attributed to any of the following reasons:
- (a) failure to observe the terms and conditions imposed upon registration as Independent Consulting Engineer;
 - (b) Failure to pay subscription fees for three

consecutive years;

- (c) failure to demonstrate that his service has been satisfactory in the previous five years;
- (d) Failure to demonstrate that has been practicing for the last three years;
- (e) registration was granted on error;
- (f) registration was granted through fraud;
- (g) an Independent Consulting Engineer has been found guilty of professional misconduct;
- (h) an Independent consulting Engineer has been mentally incapacitated.

(3) Any Independent Consulting Engineer who has been de-registered shall return the registration certificate to the Registrar within the period of one month from the date of notification on the de-registration.

Procedure for
de-registration

16.-(1) where a registered independent consulting engineer is in violation of the terms and conditions of his registration, the registrar shall on the direction of the Board, serve that person a notification in writing specifying the nature of default and the time within which the default must be rectified.

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(2) The notice to be served under sub rule (1) shall be in the form prescribed in section 18 of the Act.

(3) upon receipt of the notice under sub-rule (1), the person to whom the notice is served shall make representation to the Registrar on the rectification of default.

(4) Where the person under sub-rule (2) fails to rectify the default within the time specified in the notice, or fail to make representation satisfactory to the registrar, the Registrar shall recommend to the Board for de-registration or suspension of the certificate issued to that person.

(5) The Board shall, if it satisfied with the recommendations made under sub-rule (4), direct the Registrar-

- (a) to de register, or suspend the certificate of registration for such period as the Board may consider appropriate and notify the person who is

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the subject of de registration; and

(b) to remove the name of that person from the register.

Reinstatement to the register 17. A person who has been registered under these rule may, within the period of twelve months from the date of de registration apply for reinstatement of his upon payment of prescribed fee.

General offences and penalty 18. Any person who violates any provision of these rules commits an offence and on conviction is liable to a fine as prescribed in the Second schedule of the Regulations.

Appeals 19. A person who is aggrieved by the decision of the Board under these Rules may appeal to the Appeals Authority.

Amendment of rules GN No. 68 of 14/03/2014 20. The Engineers Registration (Registration of independent Consulting Engineers) Rules, 2014 is hereby revoked.

Dar Es Salaam
8th August, 2016

NINATUBU M. LEMA,
Chairman