

**A BILL FOR AN ACT TO AMEND THE ENGINEERS (REGISTRATION, ETC.) ACT CAP E11 LFN 2004 AND FOR OTHER RELATED MATTERS, 2017.**

SPONSOR:

[ ] Commencement.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows —

**1. Amendment of CAP E11 LFN 2004**

The Long Title is hereby amended to:

“A Bill for an Act to Establish the **Council for the Regulation of Engineering in Nigeria** and to make Provisions for Other Matters Connected Therewith”

**2. Establishment of the Council for the Regulation of Engineering in Nigeria**

1. The heading in the Principal Act is hereby amended by substituting the word “Registration” with the word “Regulation”.

2. Section 1(1) (a), (b) and (c) of the Principal Act is hereby amended to substitute the word “Engineers” with the words “Engineering Personnel”.

3. Section 1(2) of the Principal Act is hereby amended to leave out the words “from the Register of Engineers,that is”.

4. Section 1(2)(g) of the Principal Act is hereby amended by replacing the word “and” with “one person who shall be from the Armed Forces or Paramilitary in rotation.”

5. Insert a New Section 1(2)(i) as follows:

“(i) One person appointed to represent Association for Consulting Engineering in Nigeria.”

6. Insert a New Section 1(2)(j) as follows:

“(i) One person appointed to represent Federation of Constructing Industry.”

7. Insert a New Section 1(2)(k) as follows:

“(i) One person appointed to represent Manufacturing Association of Nigeria.”

### **3. Financial Provisions.**

1. Section 2(2) of the Principal Act is hereby amended by substituting it with the following:

“(2) The Council shall appoint a firm of Auditors to audit its records in every financial year”.

2. Insert a New Section 2(3) as follows:

“(3) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

3. Insert a New Section 2(3)(a) as follows:

“(a) Thirty percent of funds forfeited to Government by offenders shall be paid to COREN for its operational cost”.

### **4. Preparation and Maintenance of the Register**

Section 4 of the Principal Act is hereby amended as follows:

1. Substitute Section 4(2) with the following:

“(2) The Registrar is the Accounting Officer and is to see to the day to day running of the Registry”. The Registrar shall be appointed to be in office for a term of three years and maybe re-appointed on one consecutive term of three years only.

2. Insert a New Section 4(3) as follows:

“(3) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council under this section, **registers as**

**appropriate** of names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as registered **engineering personnel** and who apply in the specified manner to be so registered”.

3. Substitute Section 4(3) with the following:

“(3) The registers of Engineering Personnel and Firms (in this Act referred to as “the Registers”) shall consist of:-

- (a) Engineers;
- (b) Engineering Technologists;
- (c) Engineering Technicians; and
- (d) Engineering Craftsmen.
- (e) Engineering Consulting Firms
- (f) Engineering Firms”.

4. Substitute Section 4 (4) with the following:

“(4) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the **registers** and the making of the entries therein, and the **particulars**:-

5. Substitute Section 4 (4) (e) with:

“(e) Issuing of practice license and specification of period of validity and the fees to be paid.

6. Insert New Sections 4(4) (f) – (i) as follows:

(f) “Subject to this Act, a person shall not operate an engineering firm or contracting company, unless there is a registered Nigerian engineering practitioner in partnership, joint venture, or other permanent association with that person.

(h) To remove from the relevant of registers engineering personnel or firms, all particulars relating to firms or persons registered improperly out of mis-information, expiration of resident permits etc

(f) To remove who is after due inquiry adjudged by the Council to have been guilty in his professional capacity of infamous conduct, gross negligence or incompetence, or

(i) To remove who is convicted of any criminal offence which in the opinion of the Council renders him unfit to practice”.

7. Substitute Section 4(6) with the following:

“Upon appeal, Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection”.

#### **4. Registration as Engineers**

Section 6 of the Principal Act is hereby amended as follows:

1. Substitute the word “Engineers” with the words “Engineering Personnel”;
2. Delete Sections 6(1) (f) and (g); and
3. Insert a New section 6(4) as follows:

“Registered Engineering Firms under this Act shall have their practice licence renewed bi-annually subject to payment of prescribe practicing fees”.

#### **5. Titles to be used by Registered Persons.**

Section 7(2) of the Principal Act is hereby amended as follows:

“(2) A registered engineering technologist shall use the abbreviation “Engn. Tgst” before his name”.

#### **6. Registration of Consultants.**

Section 11 of the Principal Act is hereby amended as follows:

1. Substitute the word “Consultants” with the words “Organizations performing Engineering Services and Works”;

2. Section 11(1) is hereby amended by substituting the words “annually all organizations performing engineering consultancy services” with the words “all organizations performing engineering services and works”;

3. Section 11(2) is hereby amended by substituting the subsection with the following:

“An organization performing engineering services and works shall not put itself out, solicit for or offer engineering services to the public or engage in engineering practice unless it is registered under this Act”.

4. Substitute Section 11(3) with:

“(3) An engineering company or engineering unit or body seeking to be registered shall apply to the Council in the prescribed format.

5. Insert New Sections 11 (4) and (5) as follows:

(4) The Council may direct the Registrar to issue to the license authorizing the applicant to carry on business on a prescribed fee if the Council is satisfied that the applicant is fit to carry on engineering business.

(5) The business will be carried on by or under that of a registered engineering practitioner”.

## **7. Certificate of Experience**

Section 13(2) of the Principal Act is hereby amended as follows:

“(2) (a) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered engineering personnel;

“(c) The manner in which he carried out the duties of his employment and conduct during the period of his employment shall have been satisfactory”.

“(3) It shall be the duty of the employer, being a registered engineering personnel, 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 purposes of paragraph (a) of subsection (2) of this section”.

## **8. Professional Discipline**

### **The Directorate of the National Youth Service Corps to Communicate Location of Engineers.**

Section 14 of the Principal Act is hereby amended by inserting the words “Engineering Technologists” immediately after the word “Engineers”.

## **9. Establishment of Disciplinary Tribunal and Investigating Panel.**

Section 15(1), (3) and (5) (a) of the Principal Act is hereby amended by substituting the word “Registered Engineers” with the words “Engineering”.

## **10. Penalties for Unprofessional Conduct.**

Section 16(1) (a) of the Principal Act is hereby amended by substituting the word “Engineers” with the words “Engineering”.

## **11. Provisional Registration of Persons not Citizens of Nigeria.**

Section 17 of the Principal Act is hereby amended as follows:

1. Amend Section 17(1) (a) as follows:

“(a) that he has been selected for employment for a specified period in a capacity in which a person fully registered as an engineer **or engineering technologist** 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, **and**”

2. Section 17(1) (b) and (5) of the Principal Act is hereby amended by substituting the word “engineer” with the words “Engineering Personnel”.

## **12. Offences**

Section 18 of the Principal Act is hereby amended as follows:

1. Section 18(1), (1) (b) and (2) (a) of the Principal Act is hereby amended by substituting the word “engineer” with the words “Engineering Personnel”.

2. Section 18(1), of the Principal Act is hereby amended by deleting the word “Provisional”.

3. Insert New Section 18 (4), (5) and (6) as follows:

“(4) Any engineering personnel who have not paid his practicing fee is guilty of an offence.”

“(5) Any person or organization who offers engineering services and works or charges a professional fee without a valid license issued by the Council commits an offence and shall be liable of a fine five times the annual fees.”

“(6) Any organization not registered by the Council which offers engineering services and works shall be guilty of an offence and on conviction by the Engineering Tribunal shall forfeit all Proceeds of the transaction to the Federal Government of Nigeria.”

4. Delete 18(5).

5. Insert New 18(7), (8), (9), (10) and (11) as follows:

“(7) 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.”

“(8) A person guilty of an offence under section 18 (1) shall be liable on conviction by the Engineering Tribunal shall forfeit all Proceeds of the transaction to the Federal Government of Nigeria.”

“(9) A person guilty of an offence under section 18 (2) shall be liable on conviction by the Engineering Tribunal shall lose licence for a minimum term of one year and maximum term of five years.”

(10) A person guilty of an offence under section 18 (3) shall be liable on conviction by the COREN Engineering Tribunal to a fine not less than N 2,500,000.

(11) A person guilty of an offence under section 18 (6) shall be liable on conviction by the Engineering Tribunal shall lose licence for a minimum term of one year and maximum term of five years and pay a fine not less than N 1,000,000.”

### **13. Miscellaneous Supplementary Provisions.**

Section 19 of the Principal Act is hereby amended as follows:

1. Section 19(1) of the Principal Act is hereby amended by substituting the words “in the Armed Forces of the Federation” with the words “in the Private Sector”.

2. Insert a New Section 19(3) as follows:

“It shall be the duty of any person in charge of any university, **polytechnic and college of education (technical)** 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 **engineering personnel** 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 **graduated** any such course at the institution in question at any time during the **previous** year”.

3. Section 19(4) of the Principal Act is hereby amended by inserting “while Private Sector includes all non-governmental organizations” after State – owned company.

### **14. Recovery of Fees, etc.**



Section 20 of the Principal Act is hereby amended by substituting the word “engineering” with the words “Engineering Personnel”.

## **15. Regulations, Rules and Orders.**

Section 21 of the Principal Act is hereby amended by substituting the Section as follows:

“(1) 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 purposes of this instrument;

(b) To make different provisions for different circumstances; and

(c) To make provisions for the control of the practice of engineering in the construction industry, including rules as to the registration with the Council.

(2) Establishment of Engineering Regulation Monitoring:

(a) There shall be Engineering Regulation Monitoring (hereafter in this Act referred to as “ERM”), which shall be charged with the duties of monitoring the registration of engineering personnel, consulting firms and engineering firms and ensuring that engineering is practiced in Nigeria in accordance with relevant codes of engineering practice, in the protection of her development and economic investment.

(b) ERM shall consist of personnel of all engineering cadres

(c) The team shall have access to an engineering project site, manufacturing, engineering education institution or any site where engineering is being practiced.

(3) In carrying out the functions as stated in section 21(2) of this Act, any manufacturing, engineering firm, construction companies or persons or group of persons who obstructs, threaten violence to any member or on any member commits an offence and shall be liable on conviction to a fine of N2,

000,000 in case of companies, firms and institutions and in the case of persons N500, 000 or 6 months in imprisonment”.

## 16. Interpretation

Section 22 of the Principal Act is hereby amended as follows:

In this Act, unless the context otherwise requires--

“practice of Engineering” includes any professional service or creative work requiring the application of special knowledge of mathematics, physics, **chemistry, biology** 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 and including **oil and gas industry**;

“professional misconduct” refers to when any person who is licensed under this Act:

- (a) deliberately fails to follow the standards of conduct and practice of the engineering profession set by the Council
- (b) commits gross negligence in the conduct of his professional duties
- (c) allows another person to practise in his name where the person
  - (i) is not a holder of a licence
  - (ii) is not in partnership with him
  - (iii) takes advantages of a client by abusing position of trust, expertise or authority
  - (iv) lacks regards or concern for clients needs or rights; or
  - (v) shows incompetence or inability to render professional engineering services or works; or

(d) Knowingly submits a land survey, valuation or environmental impact assessment document prepared by a person who is not licensed to prepare such documents under any written law being in force.

“registered engineering personnel” means a person registered under the various categories.

“registered engineering firm” means a firm registered under the various categories.

“regulations” means regulations made by the Council

“the Council” means the Council for the Regulation of Engineering in Nigeria established by section 1 (1) of this Act

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

Insert a New Section 22(2) (c) as follows:

“(c) “temporary registration” includes registration for non-nigerian engineering personnel”.

## **17. Short Title**

This Act may be cited as the Engineering (Regulation, Etc,) Act Bill 2017.

## **18. Schedules**

### **FIRST SCHEDULE**

#### **Supplementary Provisions relating to the Council Qualifications and Tenure of Office of Members**

1. Paragraph 1(1) of the Principal Act is hereby amended by substituting the word “engineer” with the words “Engineering Personnel”.

2. Paragraph 1(2) of the Principal Act is hereby amended by substituting the words “the Nigerian Society of Engineer” with the words “Engineering Associations”.

3. Delete Paragrah 1(3).

4. Paragraph 1(5) of the Principal Act is hereby amended by substituting the word “cease” with the word “ceases”.

5. Paragraph 1(7) (a) of the Principal Act is hereby amended by substituting the word “Minister” with the word “Council”.

6. Paragraph 1(7) (b) of the Principal Act is hereby amended by substituting the word “appointed” with the word “Elected”.

7. Paragraph 1(7) of the Principal Act is hereby amended by inserting a new Sub-paragraphs (c) and (d) as follows:

“(c) The President shall be elected to be in office for a term of three years and maybe re-elected on one consecutive term of three years only.

(d)There shall be one Vice-president from among the Council member and whose job or duties shall be determine by Council members”.

8. Paragraph 2(1) of the Principal Act is hereby amended by substituting with new Sub-paragraphs 2(1) (a) and (b) as follows:

“(a) The Council under this Act shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(b) The Council under this Act shall have power to enter and inspect sites”.

9. Paragraph 2(4) of the Principal Act is hereby amended by substituting the word “eleven” with the figure and words “40% of Members of the Council”.

10. Paragraph 2(6) of the Principal Act is hereby amended by inserting a new Sub-paragraphs (2) as follows:

“In the event of death, resignation or permanent incapacitation”.

11. Paragraph 2(7) (2) of the Principal Act is hereby amended by inserting the word “is” after word “he”.

## **SECOND SCHEDULE**

1. The Heading of the Principal Act is hereby amended by substituting the word “Engineers” with the words “Engineering Personnel”.

2. Paragraph 1 of the Principal Act is hereby amended by substituting the word “engineering” with the words “Engineering Personnel”.
3. Paragraph 2(10) (a) of the Principal Act is hereby amended by substituting the word “relates” with the words “relate”.
4. Paragraph 2(13) of the Principal Act is hereby amended by deleting the word “at” before the word “affidavits”.
5. Paragraph 2(15) (3) of the Principal Act is hereby amended by substituting the word “council” with the word “counsel”.
6. Paragraph 2(16) of the Principal Act is hereby amended by substituting the word “engineers” with the words “Engineering Personnel” in the interpretation of “Chairman”.
7. Paragraph 2(16) of the Principal Act is hereby amended by substituting the word “engineers” with the words “Engineering Personnel” in the interpretation of “Complainant”.
8. Paragraph 2(16) of the Principal Act is hereby amended by substituting the word “Registrar” with the words “Engineering Personnel” in the interpretation of “Secretary”.

### **THIRD SCHEDULE**

1. Heading of the Principal Act is hereby amended by substituting the word “Engineers” with the words “Engineering Personnel”.

### **EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Engineers (Registration, etc.) Act CAP E11 Laws of the Federation 2004 to introduce a new Register for Engineering Firms, amend to include Engineering Personnel, broaden the powers of the Council and its Registrar and the recognition of other Professional Bodies outside the Nigerian Society of Engineers to nominate representatives to the Council amongst others.