

CHAPTER 368B

ENGINEERS (REGISTRATION)

1975-11

This Act came into operation on 1st March, 1976 by Proclamation (S.I. 1975 No. 245).

Amended by:

1976-2

1978-45

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 368B

**ENGINEERS (REGISTRATION)
1975-11**

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

REGISTRATION

3. Establishment of Registration Board
4. Engineers Register
5. Qualifications for registration
6. Conditions of registration of certain existing practitioners
7. Certain factors not to be taken into consideration in determining qualifications for registration
8. Registered engineers entitled to practise engineering
9. Provisions relating to the practice of engineering by persons other than those registered under this Act

10. Certificate to be signed by registered engineer
11. Unregistered person not entitled to recover remuneration for practice of engineering
12. Additional qualifications
13. Partnerships, associations, etc.
14. Improper registration

PART III

MISCELLANEOUS

15. Appeals
16. Regulations
17. Offences and penalties
18. Professional misconduct
19. Expenses

FIRST SCHEDULE

SECOND SCHEDULE

Constitution and Procedure of the Engineers Registration Board

**BARBADOS****ENGINEERS (REGISTRATION)**

1975-11

An Act to provide for the registration and discipline of engineers and for connected purposes.

[Commencement: 1st March, 1976]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the *Engineers (Registration) Act*.

Interpretation

- 2.(1) For the purposes of this Act

“annual registration fee” means the fee payable annually in accordance with section 4 of the *Profession, Trade and Business Registration Act*, Cap. 373;

[1978-45]

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

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“certificate” means a certificate granted under section 9;

“engineering” means the advising and reporting on, the designing, inspection and construction, of any of the works, operations or other matters set out in the First Schedule;

[1978-45]

“first registration fee” means the fee payable on first registration in accordance with section 3 of the *Profession, Trade and Business Registration Act*, Cap. 373;

“Minister” means the Minister responsible for Transport and Works;

“register” means the register of engineers kept by the Registrar in accordance with section 4;

“registered engineer” means a person registered in accordance with the provisions of this Act;

“Registrar” means the Registrar of the Supreme Court.

(2) The Minister may, on the recommendation of the Board, by order amend the First Schedule by the addition thereto or the deletion therefrom of any works, operations or other matters.

[1976-2]

PART II REGISTRATION

Establishment of Registration Board

3.(1) For the purposes of this Act there is established a Board to be known as the Engineers Registration Board.

(2) The Board shall be a body corporate, and subject to this Act, section 21 of the *Interpretation Act*, Cap. 1 shall apply thereto.

(3) The provisions of the Second Schedule shall have effect with respect to the constitution of the Board and otherwise in relation thereto.

Engineers Register

4.(1) The Registrar shall keep a register, to be known as the Engineers Register, in which he shall cause to be entered the name of every person entitled to be registered as an engineer under section 5 or 6, together with the following particulars in respect of each person

- (a) his full name and address;
- (b) the date of his registration;
- (c) a description and the date of the qualifications in respect of which he is registered.

(2) The register shall at all reasonable times be open to inspection at the Registration Office.

(3) The Registrar shall cause to be published in the *Official Gazette*

- (a) in the month of February in every year an alphabetical list of persons who have at the 31st January in that year registered their names as engineers;
- (b) as soon as practicable after such registration, the name of any person registering his name as an engineer after the 31st January in any year.

(4) The Registrar shall

- (a) make the necessary alterations in the register of the names or addresses of persons registered under this Act; and
- (b) remove therefrom the names of all persons registered under this Act who are deceased or no longer qualified to practise engineering.

(5) After 1st March, 1976, every person who is qualified to be registered as an engineer under this Act and desires to practise as such in Barbados, shall in the month of January in every year cause his name to be entered by the Registrar

in the register, and on payment of the first registration fee or annual registration fee, as the case may be shall be entitled to obtain a certificate of such registration.

[1978-45]

Qualifications for registration

5.(1) Subject to section 6, a person is entitled to be registered as an engineer under this Act if, on application made to the Board, he satisfies the Board that

- (a) he is qualified to be so registered; and
- (b) he is a fit and proper person to practise engineering in Barbados.

(2) For the purposes of subsection (1), a person is qualified to be registered as an engineer if

- (a) he has been awarded
 - (i) a degree in engineering by the University of the West Indies, or
 - (ii) a degree, diploma or other qualification in engineering granted by a University or School of engineering that, in the opinion of the Board, is evidence of satisfactory training in engineering; and
- (b) he has had not less than 4 years of such experience in engineering, as the Board approves.

[1976-2]

(3) An application for the registration shall be made to the Secretary of the Board in a form approved by the Board.

(4) An applicant for registration shall furnish to the Secretary of the Board

- (a) evidence of his qualifications and experience;
- (b) proof of his identity; and
- (c) such further and other information as the Board requires in respect of the matters referred to in subsection (1).

Conditions of registration of certain existing practitioners

6.(1) Notwithstanding section 5, any person who does not possess the qualifications specified in that section but who, on application made to the Board within 1 year of 1st March, 1976, satisfies the Board that

- (a) he has had before 1st March, 1976 not less than 10 years experience in the practice of engineering in a responsible position; and
- (b) he is a fit and proper person to be registered as an engineer,

is entitled to be registered as an engineer.

(2) In determining whether a person satisfies the requirements of subsection (1), the Board may conduct such investigation relating to the experience in engineering of such person as it considers necessary, and may require such person to undergo a written or oral examination in engineering or both such written and oral examination.

(3) A decision of the Board with respect to the entitlement of a person to be registered under this section is final.

Certain factors not to be taken into consideration in determining qualifications for registration

7.(1) In determining whether a person who applies for registration is duly qualified to be registered under this Act, the fact that he adopts or refrains from adopting, intends to adopt or refrain from adopting, the practice of any particular theory of engineering or applied science shall not be taken into consideration.

(2) Where a candidate submits to examination in order to entitle him to register under this Act, there shall not be imposed upon him an obligation to adopt or refrain from adopting the practice of any particular theory of engineering or applied science as a test or condition of admitting him to examination or registration under this Act.

Registered engineers entitled to practise engineering

- 8.** A person registered under this Act shall be entitled
- (a) on payment of the appropriate fee to receive from the Registrar a certificate in the form approved by the Board to practise engineering in Barbados;
 - (b) to demand and recover reasonable remuneration for engineering services rendered;
 - (c) to use the title “Engineer” or any abbreviation thereof against his name.

Provisions relating to the practice of engineering by persons other than those registered under this Act

- 9.** Subject to section 11, nothing in this Act shall prevent a person who is not a registered engineer from
- (a) operating, executing or supervising any engineering works as owner, contractor, superintendent, foreman, technician, inspector or master;
 - (b) performing, as a member of the armed forces of the Crown, duties involving the practice of engineering,

where the interests of public safety are not likely to be affected, or require any such person to become registered under this Act for the purpose of doing anything mentioned in this section.

Certificate to be signed by registered engineer

- 10.** After the commencement of this Act, no certificate required by any enactment to be signed by an engineer is valid unless the person signing it is registered under this Act.

Unregistered person not entitled to recover remuneration for practice of engineering

11. A person other than a registered engineer is not entitled to recover in any action any fee, charge, gratuity or remuneration for the practice of engineering.

Additional qualifications

12. A registered engineer who has obtained a higher degree or qualification, other than the qualifications in respect of which he has been registered, is entitled to have that higher degree or qualification inserted in the register in substitution for, or in addition to, the qualifications previously registered.

Partnerships, associations, etc.

13. A partnership, association or corporation may practise engineering in its own name if one of its principal and customary functions is to practise engineering and the practice is done under the responsibility and supervision of a member of the partnership or association or a director of the corporation or under the responsibility and supervision of a full-time permanent employee of the partnership, association or corporation who, in any case, is a registered engineer.

Improper registration

14.(1) The Board may, if it considers that a person registered as an engineer has improperly obtained such registration, require such person to apply to have himself properly registered under this Act.

(2) If for a period of three months or such longer period as the Board allows, such person fails without reasonable excuse to apply to be properly registered, the Registration Board may cause the name of such person to be struck off the Register.

PART III
MISCELLANEOUS

Appeals

15. An appeal against any decision made by the Board, other than a decision with respect to the entitlement of a person to be registered under section 6, shall lie to a Judge in chambers, and every such appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by rules of court.

Regulations

16.(1) The Board may, subject to the approval of the Minister, make regulations—

- (a) regulating the conditions of engineering practice in Barbados;
- (b) specifying what institutions are approved by the Board for the purposes of section 5 (2);
[1976-2]
- (c) prescribing the procedure to be followed in respect of disciplinary proceedings against engineers in relation to professional misconduct;
- (d) setting up for any period or *ad hoc* a disciplinary body to investigate and adjudicate upon any allegation of professional misconduct on the part of an engineer and make recommendations thereon;
- (e) providing for the publication of the recommendations of any body referred to in paragraph (d);
- (f) determining the constitution and membership and regulating the procedure of any body referred to in paragraph (d), and providing for any other matter which may be relevant to any such body or its functions;

(g) carrying into effect generally the purposes for which the Board is constituted.

(2) The Board may, subject to the approval of the Minister responsible for Finance, by regulations prescribe the fees payable to its members and to any examiners appointed by the Board.

[1976-2]

Offences and penalties

17.(1) Subject to section 9, a person who—

- (a) fraudulently procures or attempts to procure the registration under this Act of himself or any other person by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing;
- (b) fraudulently makes, causes or permits to be made—
 - (i) any false or incorrect entry or copy of an entry in the register, or
 - (ii) any alteration in any entry or copy of an entry in the register;
- (c) not being a registered engineer—
 - (i) practises engineering for which he demands or receives any fee, gratuity or remuneration, whether or not such fee, gratuity or remuneration is demanded or received in Barbados,
 - (ii) pretends to be a registered engineer,
 - (iii) makes use of the name or title of engineer or any other name, title, addition, designation or description implying that he is a registered engineer or is entitled to be recognised or to practise as a registered engineer,

is guilty of an offence under this Act.

(2) A person who is guilty of an offence under this Act is liable on summary conviction—

- (a) for a first offence, to a fine of five hundred dollars or to imprisonment for two months; and
- (b) for each subsequent offence, to a fine of one thousand dollars or to imprisonment for four months.

(3) In any prosecution under paragraph (c) of subsection (1), the absence of the name of the person charged from the list last published in the *Official Gazette* pursuant to section 4 (3) is *prima facie* evidence that such person is not a registered engineer.

Professional misconduct

18. Where a registered engineer has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the regulations, impose on that engineer a fine of two thousand five hundred dollars.

[1976-2]

Expenses

19. Any expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament.

FIRST SCHEDULE

(s. 2)

The structural, mechanical and electrical aspects of—

- (a) any public utility;
- (b) industrial, harbour, drainage, irrigation, sewerage and hydraulic works;
- (c) industrial processes;
- (d) railways, tramways, bridges, tunnels, roads, canals and river improvements;
- (e) lighthouses, wet, dry and floating docks;
- (f) cranes, dredges, hoists, lifts and winches;
- (g) waterworks;
- (h) incinerators;
- (i) power transmissions, electric lighting and electrical communications systems and equipment;
- (j) any electrical apparatus or machinery;
- (k) electronics;
- (l) mineral property or mining operations of any kind;
- (m) smelters, refineries, metallurgical machinery and equipment;
- (n) boilers and their auxiliaries;
- (o) steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures;
- (p) chemical machinery;
- (q) airports;
- (r) all ships of more than fifty tons gross, classified or unclassified, their propulsion units and safety of life at sea equipment;

- (s) buildings—
 - (i) consisting of, or designed for, more than two storeys,
 - (ii) constructed or used for the purpose of carrying on a business, or
 - (iii) being places to which the public have or may have access;
- (t) any other operation, works or matter related to the items contained in paragraphs (a) to (s).

[1976-2]

SECOND SCHEDULE

(s. 3)

*Constitution and Procedure of the Engineers Registration Board***Appointment of members**

1. Subject to paragraph 3, the Board shall consist of the following members—

- (a) the Chief Technical Director, Ministry of Communications and Works or his nominee;
[1976-2]
- (b) one person appointed by the Minister;
- (c) four registered engineers appointed by the Minister on the nomination of the Executive Committee of the Barbados Association of Professional Engineers,

except that for the first Board constituted after the commencement of this Act, the four members nominated by the Association need not be registered engineers, but must be eligible for registration.

Appointment of Committees

2. The Board may—

- (a) appoint such committees composed of members of the Board and of registered engineers not being members of the Board, for the proper carrying out of its functions; and
- (b) delegate to such committees any functions it considers necessary.

Tenure of office

3.(1) Members of the Board, other than the person appointed under paragraph 1 (a), shall hold office for a term of two years, but are eligible for re-appointment.

(2) Notwithstanding paragraph 1, no member, other than the person appointed under paragraph 1 (a) shall hold office for more than two consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.

(3) In the case of the first Board constituted after the commencement of this Act, the person appointed by the Minister under paragraphs 1 (b) and 2 and the persons appointed by the Minister under paragraph 1 (c) shall be appointed for a term of one year, and thereafter appointments shall be made in the manner otherwise provided by this Schedule.

Election of Chairman

4.(1) The Board at its first meeting held after the 1st January in each year shall elect one of its number to be chairman for a term of one year, and any such member shall be eligible for re-election as chairman. The chairman shall have an original and a casting vote.

(2) The chairman shall preside at all meetings of the Board at which he is present.

(3) The chairman appointed each year shall hold office until his successor is elected, or for such lesser period as he remains a member of the Board.

(4) If the chairman ceases to be a member of the Board before the expiration of the period for which he has been elected, the Board shall elect some other member in his place to be chairman for the remainder of that period.

(5) If at any meeting of the Board the chairman is not present or there is no chairman, the members present shall elect one of their number to act as chairman in respect of that meeting.

Appointment of secretary and other officers, etc.

5.(1) The Board may appoint a secretary and such other officers and servants as they may deem necessary for the purpose of carrying out its functions under this Act.

(2) The secretary and other officers and servants of the Board shall receive such pay and allowances as the Board with the approval of the Minister determines.

Resignation of members of the Board

6.(1) Any member of the Board other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from one month after the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from one month after the date of the receipt of such instrument by the Minister.

Temporary Appointments

7. In the absence or inability to act of any member, the Minister may appoint any person to act temporarily in place of such member, and such temporary appointment shall be made in the same manner and from the same category of persons if any, as the appointment of such member.

Vacancies

8. If a vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed.

Quorum

9. At any meeting of the Board four members shall form a quorum.