

Registered Professional Engineers Council
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Arrangement of sections

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PART I – PRELIMINARY

1. Short Title

This act may be cited as the Registered Professional Engineers Council Act.

2. Interpretation

In this Act -

“Council” means the Council of Registered Professional Engineers of Mauritius established under Section 3;

“Member” means a member of the Council;

“Minister” means the Minister to whom the Responsibility for the subject of works is assigned;

“Practice of engineering” means the advising on, the reporting on, the designing or the approval of designs of all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbor works, lighthouses, rivers, improvements, wet docks, floating docks, dredges, cranes, drainage works, irrigation works, water works, water purification plants, sewage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steels, concrete and reinforced concrete structures, electric lightning systems, electric machinery, electric apparatus, electric communications systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery and equipment; and apparatus for carrying out such operations, machinery, boilers and their auxiliary equipment, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works, including the engineering works and installations relating to airports, airfields and landing strips and relating to town, country and community planning;

“Register” means the register kept under this Act;

“Registered Professional Engineer” means a person registered as a Professional Engineer under this Act;

“Registrar” means Registrar of the Council.

Part II - Establishment of the Council of Registered Professional Engineers of Mauritius

3. Establishment of the Council

There is established a Council of Registered Professional Engineers of Mauritius which shall be responsible for the administration of this Act.

4. Composition Of the Council

The Council shall consist of 6 members who shall be appointed by the Minister, as follows -

- (a) 2 Registered Professional Engineers who shall be public officers;
- (b) One registered Professional Engineer, after consultation with, and representing the "Société de Technologie Agricole Sucrière de l'Île Maurice"
- (c) One registered Professional Engineer, after consultation with, and representing the Central Electricity Board; and
- (d) Two registered Professional Engineers, after consultation with, and representing the Institution of Engineers (Mauritius).

5. Chairman

The Chairman of the Council shall be elected by the members from among themselves.

6. Tenure of Members

- (1) The members shall hold office for 2 years, but shall be eligible for reappointment.
- (2) Where the Minister is satisfied that the chairman or any member-
 - (a) is guilty of improper conduct as Chairman or member, as the case may be;
 - (b) is incapacitated by prolonged physical or mental illness; or
 - (c) for any other reason is unable or unfit to discharge his duties as Chairman or member, as the case may be, and that it would be detrimental to the interests of the Council to allow such Chairman or member, as the case may be, to continue to hold office, he may declare the office of such Chairman or member vacant, and shall notify such declaration in such manner as he thinks fit, and on such notification being made the office shall become vacant.

7. Appointment of officers and servants

The Council -

- (a) shall appoint a Registrar who shall also be the Secretary - Treasurer;
- (b) may appoint any other officers and servants; and
- (c) may grant to any officers and servants such remuneration as it may decide.

8. Audit

The Council shall appoint annually 2 auditors who shall be chartered accountants and who shall audit the accounts of the Council.

9. Legal Proceedings

The Council may -

- (a) sue or be sued through its chairman; and
- (b) carry on, prosecute and defend any action, complaint, information or proceeding.

10. The Register

There shall be a register of Professional Engineers in which the Registrar shall enter-

- (a) the full names, surnames, and addresses of all persons approved by the Council as being qualified under this Act to be registered as Professional engineers;
- (b) the date and description of the qualifications in respect of which such registration is granted;
- (c) Such other particulars as may be prescribed.

11. Roll of Registered Professional Engineers

- (1) The registrar shall, in January each year, transmit a copy of the register, certified to be correct up to 31 December of the preceding year.
- (2) The Minister shall, on receipt of the copy of the register, cause it to be published in the Gazette as the Roll of Registered Professional Engineers of Mauritius as at 31 December of the preceding year.

12. Roll Fee

- (1) Every Registered Professional Engineer shall, on or before 30 June each year, pay to the registrar the prescribed roll fee in respect of the year commencing on 1 January in that year.
- (2) Where a Registered Professional Engineer fails to pay the prescribed roll fee within the time prescribed, the Council may remove his name from the Register.
- (3) Where the name of any Registered Professional Engineer is removed from the register under this section, the Council may restore his name to the register upon payment of the prescribed fee and a surcharge of 50 per cent of the prescribed fee.

Part III - Registered Professional Engineers

13. Qualifications for registration

(1) Subject to this Act, any person who wishes to be registered as a Professional Engineer shall apply to the Council for registration.

(2) No person shall be registered as a Professional Engineer under this act unless he-

(a) satisfies the Council that he has attained the age of 21 and that he is of good repute and character; and

(b)(i) holds the corporate membership of the Institution of Civil Engineers, London, the Institution of Electrical Engineers, London, the Institution of Mechanical Engineers, London, or such other institution or Society established for the purpose of promoting the study and practice of the profession of engineering, as the Council may approve; or

(ii) holds a degree in Engineering granted by one of the Universities of the United Kingdom and Northern Ireland or a degree, diploma or certificate in Engineering from any other University, Technical Knowledge, Institution or Society approved by the Council as being of satisfactory standard, and satisfies the council that he has had at least 2 years' experience in the practice of Engineering.

14. Application for Registration

An application for registration shall -

(a) be made in such manner as may be prescribed; and

(b) be supported by such evidence as the Council may require

15. Certificate of registration

The council may, on payment of the roll fee under section 12, issue annual certificates of registration.

16. Removal of names from register

(1) The Council shall remove from the register the name of any person -

(a) who has died;

(b) who is provided with a guardian or curator under Book 1 Title X1 Chapters 2 to 4 of the Code Napoleon or is deemed to be under such sentence as provided in section 45 of the Lunacy Act;

(c) who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practice;

(d) 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

(e) whose registration has been obtained by fraud or misrepresentation.

(2) The Council shall, before removing the name of any person from the register under paragraph (c), (d) or (e), charge the person with the offence concerned and shall, if so required by the person charged, sit on the hearing of such charge as an open court, and the person charged shall be afforded an opportunity of defense either in person or by counsel.

17. Appeal against decision of Council

(1) Any person aggrieved by the refusal of the Council to register him or by the removal of his name from the register, may, within 2 months after the date on which notice is given to him by the Council of such refusal or removal, appeal by way of motion to the Supreme Court.

(2) On an appeal under subsection (1) the Supreme Court may give such directions in the matter as it thinks proper, including the costs of such appeal.

18. Use of Words

Any person registered as a Professional Engineer under this Act shall be entitled to use or publish the words "Registered Professional Engineer of Mauritius" or the abbreviation "R.P.E.M" in connection with his practice as a Professional Engineer.

19. Prohibited Practice

Any person who, not being a Registered Professional Engineer -

- (a) takes or uses the name or title "Registered Professional Engineer" or any abbreviations, either alone or in connection with any other title, name, words, or letters;
- (b) advertise or holds himself out or, subject to section 20, conducts himself in any way or by any means as a registered Professional Engineer; or
- (c) engages in the practice of professional engineering, shall commit an offence and shall, on conviction, be liable for a first offence, to a fine not exceeding 200 rupees and, for subsequent offence, to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 3 months.

20. Saving

Nothing in this Act shall prevent or be deemed to prevent -

- (a) Any person from practicing his profession, trade or calling as an architect, a bacteriologist, chemist, mineralogist, physicist, or surveyor;
- (b) Any person from operating, executing, or supervising any works as owner, contractor, superintendent, foreman, inspector or master;
- (c) The work of an employee or a subordinate of a person registered under this Act, where such work does not include final designs or decisions and is done under the direct responsibility, checking a supervision of a person registered under this Act.

21. Regulations

- (1) The Council may make such regulations as it thinks fit for the purposes of this Act.
- (2) Without prejudice to the generality of subsection (1), the regulations may provide for -
 - (a) The duties of the Secretary - Treasurer and Registrar;
 - (b) The method of application for registration;
 - (c) The forms to be used for the purposes of this Act and the manner of keeping the register;
 - (d) Degrees, diplomas, certificates, licenses or other documents, to be recognized by the Council;
 - (e) The conduct of proceedings in connection with complaints or charges against Registered Professional Engineers;
 - (f) A code of professional ethics, and
 - (g) Defining "criminal offence", "infamous conduct", "gross negligence", and "incompetence" for the purposes of section 16(c) and (d).

22. Penalty for fraudulent registration

Any person who -

(a) Willfully makes or causes to be made any false entry in or falsification of the register;

(b) Willfully procures himself or any other person to be registered under this Act by producing or causing to be produced any false, forged or counterfeit degree, diploma, certificate, license, letter, testimonial or other document or by making or causing to be made any false or fraudulent representation or declaration, either verbally or in writing, shall commit an offence and shall, on conviction be liable to imprisonment for a term not exceeding 6 months.