

# **ENGINEERS (REGISTRATION, ETC.) (AMENDMENT) ACT, 2018**

## **EXPLANATORY MEMORANDUM**

This Act amends the Engineers (Registration, etc.) Act, Cap E11, Laws of the Federation of Nigeria, 2004 to, among other things, broaden the powers of the Council and its Registrar, recognize the diversity of engineering profession and provide for engineering regulation monitoring.

### **ARRANGEMENT OF SECTIONS**

Establishment of the Council for the Regulation of Engineering in Nigeria, etc.

#### **SECTION**

1. Establishment of the Council of Registered Engineers of Nigeria.
2. Financial provisions.
3. Control of Council by Minister.

#### **The register**

4. Preparation and maintenance of the register.
5. Publication of register and lists of corrections.

#### **Registration**

6. Registration as engineers.
7. Titles to be used by registered persons.
8. Transfer from one register to the other.
9. Approval of courses, qualifications and institutions.
10. Power to compile list of establishments, etc.
11. Registration of Consultants
12. Supervision of instructions and examinations leading to approved qualifications.
13. Certificate of experience.

#### **Professional discipline**

14. The Directorate of the National Youth Service Corps to communicate location of engineers.
15. Establishment of Disciplinary Tribunal and Investigating Panel.
16. Penalties for unprofessional conduct.

#### **Miscellaneous and General**

17. Provisional registration of persons not citizens of Nigeria.
18. Offences
19. Miscellaneous supplementary provisions.
20. Recovery of fees, etc.
21. Regulations, rules and orders
22. Interpretation, etc.
23. Short title.

## **SCHEDULES**

### **FIRST SCHEDULE**

Supplementary provisions relating to the Council.

### **SECOND SCHEDULE**

Supplementary provisions relating to the Disciplinary Tribunal and Investigating Panel

## **ENGINEERS (REGISTRATION, ETC), (AMENDMENT) ACT, 2018**

An Act to amend the Engineers (Registration, etc.) Act, Cap E11, Laws of the Federation of Nigeria, 2004 to, among other things, broaden the powers of the Council and its Registrar, recognize the diversity of engineering profession; and for related matters. [Commencement]

Establishment of the Council of Registered Engineers of Nigeria, etc.

### **1. Establishment of the Council of Registered Engineers of Nigeria**

(1) There shall be established on the coming into force of this Act, a body to be known as the (hereafter in this Act referred to as "the Council") which **Council of Registered Engineers of Nigeria** shall be a body corporate by the name aforesaid and be charged with the general duty of [1992 No. 27]

- (a) determining who are **engineering practitioners** for the purposes of this Act;
  - (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as **engineering practitioners** and raising those standards from time to time as circumstances may permit;
  - (c) securing, in accordance with the provisions of this Act, the establishment and maintenance of **registers** of persons entitled to practise as registered **engineering practitioners** and the publication from time to time of lists of those persons;
  - (d) regulating and controlling the practice of the engineering profession in all its aspects and ramifications;
  - (e) prosecuting any person or firm that contravenes the provisions of this Act in a court of competent jurisdiction;
  - (f) regulating industrial training schemes in engineering for the training of engineering practitioners and students;
  - (g) ensuring capacity building and monitoring local content development in the Nigerian engineering industry through –
    - (i) mandatory attachment of Nigerians to expatriate engineers on major projects to understudy them from inception,
    - (ii) ensuring that all foreign engineering firms establish their design offices in Nigeria,
    - (iii) granting of compulsory attestation to all expatriate quota applications for engineering practitioners, including turnkey project, that there are no qualified and competent Nigerians for the job in question at the time of application and that granting of the expatriate quota shall be contingent on training of such number of persons as may be required for the execution of the job, and
    - (iv) ensuring that, before being allowed to practice in Nigeria, such foreign engineering practitioners granted work permit, register with the Council and obtain such licenses including practicing licenses as may be required from time to time:
  - (h) investigating engineering failures; and
  - (i) performing other functions conferred on the Council by this Act; and
- (2) Subject to the provisions of this Act, the Council shall consist of the following members from the **register of engineering practitioners**, that is
- (a) one person who shall be elected by the Council as the President;
  - (b) six persons elected to represent the Nigerian Society of Engineers in the manner provided by the constitution of the Society;
  - (c) four persons appointed to represent the universities with faculties of engineering in rotation, **provided that they are serving Deans of Engineering**;
  - (d) one person appointed to represent the polytechnics in rotation, **provided that he is a serving Deans of Engineering**;
  - (e) one person appointed to represent technical colleges in rotation;
  - (f) six persons appointed to represent the States of the Federation in rotation, **provided that no two persons shall be appointed from the same geopolitical zone**;
  - (g) four persons to be appointed by the Minister of whom one shall be from the Ministry under his control and the other persons from amongst other interests in the field of engineering covered by this Act which, in his opinion, are not adequately represented”;

(h) one person each to represent –

- (i) Nigerian Association of Technologists in Engineering,
- (ii) Nigerian Society of Engineering Technicians and
- (iii) Nigerian Association of Engineering Craftsmen; and

(i) One person each appointed to represent the –

- (i) Association for Consulting Engineering in Nigeria
- (ii) Federation of Construction Industry in Nigeria,
- (iii) Manufacturers Association of Nigeria, and
- (iv) Armed Forces in rotation.”

## **[First Schedule]**

### **2. Financial Provisions**

(1) The Council shall establish and maintain a fund (in this Act referred to as “the Fund” into which shall be paid and credited –

- (a) money appropriated by the National Assembly;
- (b) all subventions, fees, fines, penalties and charges for services rendered or publications made by the Council;
- (c) gifts, endowments, bequests, loans, donations, grants or aids;
- (d) foreign aids and assistance from bilateral and multilateral agencies;
- (e) forfeiture surcharge from funds forfeited to the Federal Government of Nigeria by offenders under this Act;
- (f) engineering development levy from all engineering projects undertaken by the Federal Government of Nigeria; and
- (g) other assets which may accrue to the Council.

(2) The Council may apply the proceeds of the Fund for –

- (a) the cost of administration of the Council;
- (b) the payment of salaries, fees and other remuneration of employees of the Council, experts or professionals appointed by the Council;
- (c) maintenance of any property acquired by, or vested in, the Council;
- (d) the development and periodic revision of the Nigerian Engineering Codes and Standards;
- (e) the operation of Engineering Regulations Monitoring; and
- (f) any expenditure connected with all or any function of the Council under this Act.

(3) The Council shall prepare and submit to the Minister, not later than the 30<sup>th</sup> of September of each year, an estimate of its income and expenditure for the next succeeding financial year.

(4) The Council shall keep proper accounts in respect of each financial year and proper accounts in relation to those accounts and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate, by a firm of auditors approved in respect of that year by the Council.

(5) The supplementary provisions relation to the payment and collection of levies, fees, charges, surcharges or other stipulated sources of funding under this Act are as set out in the Third Schedule to this Act.”

### **3. Control of Council by Minister**

(1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification, or with such modifications as appears to him to be appropriate, having regard to the representations.

(3) In pursuance of the provisions of subsection (1) and (2) of this section, the Minister shall, subject to the approval of the President, give necessary inducement to private industries providing adequate training facilities to engineers, engineering technologists, technicians and craftsmen in training.

**[1992 No. 27]**

### **4. Registrar of the Council**

(1) There shall be, for the Council, a Registrar who shall be appointed by the Council.

(2) The Registrar is –

- (a) the Chief Executive and Accounting Officer of the Council;
- (b) a registered engineer who possesses such relevant qualifications as determined by the Council; and
- (c) responsible for the execution of policy and the administration of the affairs of the Council.

(3) The Registrar shall hold office –

- (a) for a term of three years in the first instance and may be reappointed for a further term of three years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment.”

4A (1) The Registrar shall prepare and maintain, in accordance with rules made by the Council under this section, registers 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 practitioners and who apply in the specified manner to be so registered.

(2) The registers of engineering practitioners (in this Act referred to as the “the Registers”) shall consist of registered –

- (a) engineers;
- (b) engineering technologists;
- (c) engineering technicians;
- (d) engineering craftsmen;
- (e) engineering consulting firms; and
- (f) engineering firms compiled subject to the provisions of section 10 of this Act.

(3) Subject to the provisions of this Act, the Council shall make rules with respect to the form (including digital or electronic), keeping of the registers and the making of entries in the registers and, in particular –

- (a) regulating the making of applications for registration and periodic practicing licence and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;
- (c) authorizing a registered person to have any qualification which is, in relation to the relevant division of the profession whether an approved qualification or an accepted qualification for the purpose of section 6(2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for, any other qualification so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names on the registers and issuance of licences and authorizing the Registrar to refuse to enter a name on a register or issue licences until the fees specified for such entry have been paid;
- (e) relating to the issuance of practicing licence and specification of period of validity and the fees to be paid;
- (f) specifying the manner in which professional associations may certify their members for the purpose of registration under this Act; and
- (g) specifying anything not specified under the provisions of this section.

(4) The Registrar shall –

- (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being, in the Council's opinion, an entry which was incorrectly made;
- (b) make any necessary alteration to the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died;
- (d) remove, from the relevant register of engineering practitioners, all particulars relating to persons registered improperly out of misinformation, expiration of resident permits or any other grounds;
- (e) remove, from the appropriate register, any person who, after due inquiry, is adjudged by the Council to have been guilty in his professional capacity of infamous conduct, gross negligence or incompetence; or
- (f) remove from the appropriate register, any person who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practice”;

(5) If the Registrar –

- (a) sends by post or electronic means to any registered person a registered letter or electronic mail addressed to him at his address on the register and copied to the respective professional associations, enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it, and
- (b) upon the expiration of that period, sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

The Registrar may remove the particulars relating to the person in question from the relevant register.

(6) Upon appeal, the Council may direct the Registrar to restore to the appropriate part of the register the particulars so removed.”

4B (1) The Council may appoint such officers and other employees as it may deem necessary.

(2) Subject to the Pensions Reform Act, the terms and conditions of service (including remunerations, allowances, benefits and pensions) of officers and employees of the Council shall be determined by the Council.

4C. The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Council, and such regulations may provide for –

- (a) The appointment, promotion and disciplinary control (including dismissal) of the employees of the Council; and
- (b) Appeals by such employees against dismissal or other disciplinary measures.

4 D. The employees of the Council are entitled to pensions and other retirement benefits as prescribed under the Pensions Reform Act.”

## 5. Publication of Register and List of Corrections

(1) It shall be the duty of the Registrar –

(a) to cause the register to be printed, published, and put on sale to members of the public, not later than two years from the beginning of the year in which this subsection comes into force; and

(b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council, and it shall be the duty of the Council to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being fully or provisionally registered is so registered, and that any person not so specified, is not so registered.

## Registration

### 6. Registration as Engineering Practitioners

(1) Subject to section 16 of this Act, a person is entitled to be fully registered under this Act if he has satisfied the requirements of his professional association and –

(a) has attended a course of training approved by the Council under this Act;

(b) the course was conducted at an institution so accredited, or partly at one such institution and partly at another or others;

(c) he holds a qualification so approved; and

(d) he holds a certificate of experience issued under sections 9 and 13 of this Act.”

(2) Subject as aforesaid, a person shall also be entitled to be fully registered under this Act if he satisfies the Council –

(a) that he is of good character;

(b) that he holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection as respects the engineering profession;

(c) that in the country in which the qualification was granted he was under no legal disability in the practice of engineering; and

(d) if the Council so requires, that he has had sufficient practical engineering experience, and the Council shall from time to time publish in the Federal Gazette particulars of the qualifications for the time being accepted as aforesaid.

(3) Subject as aforesaid, a person shall be entitled to be registered under this Act in the cases specified in section 12 of this Act.

(4) Fully registered engineering practitioners shall have their practicing licence renewed annually as may be provided for by regulations made under this Act.

(5) Registered engineering consulting firms shall have their practicing licence renewed biennially as may be provided for by regulations made under this Act”

## **7. Titles to be used by registered persons**

(1) A registered engineer shall use the abbreviation “Engr” before his name.  
[1992 No. 27]

(2) A registered engineering technologist shall use the abbreviation “Engn. Tech” before his name  
[1992 No. 27]

(3) A registered engineering technician shall use the abbreviation “Tech” after his name.  
[1992 No. 27]

(4) A registered engineering craftsmen shall use his full title with his trade in bracket under his name.  
[1992 No. 27]

## **8. Transfer from one register to the other**

(1) An engineering craftsman may apply to transfer to the register of engineering technicians if he obtains the Ordinary National Diploma Certificate or an approved equivalent educational qualification and the required working experience.  
[1992 No. 27]

(2) An engineering technician may apply to transfer to the register of engineering technologists if he obtains the Higher National Diploma Certificate or he has successfully completed an equivalent course of study in a polytechnic or college of technology or any other approved institution.  
[1992 No. 27]

(3) An engineering technologist may apply to transfer to the register of engineers if he –

(a) passes the examination accredited by the Council, the academic content of which shall meet the requirement for registration as an engineer; or

(b) attends a post-Higher National Diploma course approved by the Council and run by a polytechnic or university and passes an examination accredited by the Council; or

(c) passes a university degree programme or any examination conducted by any other body authorized by Council  
[1992 No. 27]

## **9. Approval of courses, qualifications and institutions**

(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 6 of this Act –

(a) any courses of training which is intended for persons who are seeking to become, or are already, members of the engineering profession, and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialized branch of that profession;

(b) any institution either in Nigeria, or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training, approved by the Council under this section;

(c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practise engineering as a profession.

(2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of engineering approved by it, and subject thereto the Council shall not approve for the purpose of subsection (1) of this section, a qualification granted by an institution in Nigeria unless the qualification has been so published by Council.

(3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall-

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as case may be;

(b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and

(c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this section.

(4) As respects any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall

(a) as soon as may be, publish a copy of every such instrument in the Federal Gazette; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

(6) An educational institution for the training of persons in the engineering profession shall submit a syllabus of its programme, content and minimum facilities to the Council for approval before a course approved by the National Universities Commission or the National Board for Technical Education, or any other engineering body, is commenced.

[1992 No. 27]

(7) An educational institution applying for approval shall provide necessary facilities to qualify for interim approval before the first visitation is conducted by the Council.

[1992 No. 27]

(8) The National Universities Commission, the National Board for Technical Education or any other engineering body shall impose any necessary sanction on any institution failing to provide facilities under subsection (7) of this section.

[1992 No. 27]

#### **10. Power to compile list of establishments, etc.**

(1) The Council shall have power to compile the list of establishments which maintain adequate facilities for the training of engineering personnel.

[1992 No. 27]

(2) In pursuance of the provisions of subsection (1) of this section, the Council shall have the power to inspect approved establishments to confirm, from time to time, the adequacy of facilities within the approved establishments.

[1992 No. 27]

(3) The Council shall provide facilities for the monitoring of the post-qualification training including the payment of honoraria and expenses to inspectors.

[1992 No. 27]

(4) The Council shall promote and update practitioners of the engineering profession through continuing education

[1992 No. 27]

### **11. Registration of Engineering Consultants**

(1) The Council shall register all organizations performing engineering consultancy services.

[1992 No. 27]

(2) An organization performing engineering consultancy 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 and such organization shall hold a valid practicing licence"; and

Provided that the Council shall not be involved in the registration of contractors.

[1992 No. 27]

### **12. Supervision of instructions and examinations leading to approved qualifications.**

(1) it shall be the duty of the Council to keep itself informed of the nature of

(a) the instructions given at approved institutions to persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) it shall be the duty of a visitor appointed under subsection (1) of this section, to report to the Council on

(a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;

(b) the sufficiency of the examinations attended by him; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but not visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) on receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month, beginning with the date of the request.

### **13. Certificate of Experience**

(1) A person who, after obtaining an approved qualification, satisfies, the conditions mentioned in subsection (2) of this section, shall be entitled to received free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.

(2) The Conditions aforesaid are –

(a) he shall have served his time or for the prescribed period in Nigeria with a view to obtaining a certificate of experience.

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered **engineering practitioners** for such periods as may be prescribed; and

(c) he shall have undergone an organized and supervised post-graduation industry training;

(d) in the case of a craftsman, he has completed a minimum of two years working experience in his trade and submits an acceptable attestation”; and

(e) the manner in which he discharged his duties as an employee and his conduct during the period of his employment shall have been satisfactory”, and

(3) It shall be the duty of the employer, being a registered engineer, supervising the work of **practitioners** 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 **subsection (2) (b)** of this section.

(4) Where, after having served his time as mentioned in paragraph (a) of subsection (2) of this section, a person is refused a certificate of experience, he shall be entitled –

(a) to receive from his employer particulars in writing of the grounds of the refusal; and

(b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought), and on any such appeal the Committee shall either dismiss the appeal or itself issue the certificate of experience in question or given such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

(6) For the purposes of this section, experience includes all work done during practical training sessions provided for by an Act of the National Assembly.”

### **Professional Discipline**

**14. (1)** The Directorate of the National Youth Service Corps shall ensure posting of graduate engineers and technologists to places of relevant professional engineering experience.

(2) Pursuant to the provision of subsection (1), the Directorate of National Youth Service Corps shall communicate the location of graduate engineers and engineering technologists to the Council.”

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

(1) There shall be a tribunal, to be known as the **Engineering** Disciplinary Tribunal (hereafter in this Act referred to as “the Tribunal”), which shall be charged with the duty of considering and determining any case referred to it by Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Act.

(2) The Tribunal shall consist of the President of the Council and eleven other members of the Council appointed by the Council, and shall include not less than four members of the Council holding office by virtue of **subsection (2) (b)** of section 1 of this Act or, where the number of those members is for the time being less than four, all those members.

(3) There shall be a body to be known as the **Engineering** Investigating Panel (hereafter in this Act referred to as “the Panel”), which shall be charged with the duty of

(a) conducting a preliminary investigation into any case where it is alleged that person registered has misbehaved in his capacity as such, or should for any other reason be the subject of proceedings before the Tribunal; and

(b) deciding whether the case should be referred to the Tribunal.

(4) The Panel shall be appointed by the Council and shall consist of **the Chairman who shall be a Council member, two other Council members and four other non-Council members who shall be knowledgeable in the matter under investigation**".

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.

#### **[Second Schedule]**

#### **16. Penalties for unprofessional conduct**

##### **(1) Where -**

**(a) a person full registered under this Act is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a registered engineering practitioner; or**

**(b) the Tribunal is satisfied that the name of any person has been fraudulently registered; or**

**(c) the Tribunal is satisfied that the partnership, firm or organization has been practicing as engineering practitioners without practicing licence"**

**[1992 No. 27]**

the Tribunal may, if it thinks fit, give a direction reprimanding that person if fully registered or whether or not fully registered, ordering the Registrar to strike his name of the relevant part of the register.

**(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but -**

**(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and**

**(b) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.**

**(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.**

**(4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.**

**(5) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal, and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.**

**(6) A direction of the Tribunal under subsection (1) of this section shall take effect -**

**(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;**

**(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;**

**(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.**

**(7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.**

### **Miscellaneous and general**

#### **17. Registration of persons not citizens of Nigeria**

(1) Where a person satisfies the Council -

(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;

(b) that he holds, or has passed examinations necessary for obtaining some qualification granted outside Nigeria, which is for the time being accepted by the Council for the purposes of this section as respects the capacity in which, if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be temporarily registered as an engineer **or engineering technologist**.

(2) The temporarily registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease -

(a) on the termination of the period of employment specified to the Council under that subsection; or  
(b) on the termination of the said employment before the end of that period, whichever occurs first:

Provided that nothing in this subsection shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination of another such period.

(3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) of this section, and to things done or omitted in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.

(4) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purposes of subsection (2) of this section.

(5) Nothing in this section shall have effect to exempt any person provisionally registered as an engineer **or engineering technologist** pursuant to this section from payment of an annual practicing fee.

(6) The Registrar, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

**(7) The provisions of this section shall be subject to the provisions of section 1 (1) (g) of this Act."**

#### **18. Offences**

(1) Any person not a registered **engineering practitioner** who -

(a) for or in expectation of reward practises or holds himself out to practise as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practise as a registered **engineering practitioner**, shall be guilty of an offence.

(2) Any person on the provisional register who, otherwise than in accordance with section 12 of this Act -

(a) for or in expectation of reward, practises or holds himself out to practise as a registered **engineering practitioner**; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practise as a registered **engineering practitioner**, shall be guilty of an offence.

(3) If any person, for the purpose of procuring the registration of any name, qualification or other matter –

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(4) An engineering practitioner who practices without paying his practicing fee commits an offence.

(5) A person or organization who offers engineering consultancy or charges a professional fee without a valid license issued by the Council commits an offence and is liable on conviction to a fine five times the annual fees.

(6) An organization not registered by the Council which offers engineering consultancy commits an offence and, on conviction shall forfeit all proceeds of the transaction to the Federal Government of Nigeria.

(7) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to the Register, he commits an offence.

(8) A person who contravenes subsection (1), commits an offence and is liable on conviction to forfeit all proceeds of the transaction to the Federal Government of Nigeria.

(9) A person who contravenes subsection (2), commits an offence and is liable on conviction to lose his licence for a minimum term of one year and maximum term of five years.

(10) A person who contravenes subsection (3), commits an offence and is liable on conviction to a fine not less than N2,500,000.00.

(11) A person who contravenes subsection (6), shall, on conviction, lose his licence for a minimum of term of one year and a maximum term of five years and pay a fine of not less than N1,000,000.00

(12) Any person who contravenes the provisions of any regulation made under this Act, commits an offence and is liable on conviction to the penalties provided in that regulation.”

18A (1) Subject to section 174 of the Constitution of the Federal Republic of Nigeria, the Council is responsible for –

(a) prosecuting offenders under this Act; and

(b) conducting such proceedings as may be necessary for the enforcement and due administration of this Act.

(2) Subject to subsection (1), a staff of the Council who is a Legal Officer within the meaning of the Legal Practitioners Act is, while in employment of the Council, entitled to represent the Council as a Legal Practitioner for the purpose and in course of his employment.

(3) Proceedings under this section may be undertaken by the Council or a person authorized by it in that behalf in the Federal High Court.

18B (1) Offences under this Act may be tried by the Federal High Court.

(2) Where a provision is made in this Act for a criminal sanction to be imposed in case of an act, omission or default without reference to the default being an offence, or without reference to conviction in a court, as the case may be, the reference to the act, omission or default shall be construed as referable to an offence, and the expression, “offences”, as used in this section shall have effect in relation to any act, omission or default.

18C. The court imposing a fine under this Act may direct that the whole or any part thereof be applied in, or towards payment of, the costs of the proceedings, or in or towards payment of, the costs of proceedings, or in or towards compensating the Council and subject to any such direction, all fines under this Act shall, notwithstanding anything in any other enactment, be paid into the Fund of the Council or into the appropriate Consolidated Revenue Fund.

18D. (1) The Council may apply to the court for direction in respect of any matter concerning its duties, powers and functions under this Act and on such application, the court may give a direction and make such further order or orders as it deems fit in the circumstance.

(2) The Council may conduct inquiries with respect to the compliance with the provisions of this Act by any authorized person or body.”

### **19. Miscellaneous supplementary provisions**

(1) Subject to the following provisions of this section, a person shall not hold an appointment requiring status as a registered **engineering practitioner** under this Act in the public service of the Federation or State or in the armed forces of the Federation **or private sector**, unless he is an engineer registered under this Act.

(2) A registered engineer under this Act, shall, but to the extent only of his particular qualifications, be entitled to practise as a registered engineer throughout the Federation.

(3) It shall be the duty of any person in charge of any university, **polytechnic and technical college** 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 engineers 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 attended any such course at the institution in question at any time during the preceding year.

(4) In this section “public service” includes service as a registered **engineering practitioner** in or with any institution or corporation (Federal or State) or State-owned company **while private sector includes all non-governmental organisations**.

### **20. Recovery of fees, etc**

**Without prejudice to any rule of law whereby a contract may be avoided for inconsistency with an enactment, a person other than a fully registered **engineering practitioner** shall not be entitled to recover by process of law, fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him in intended pursuance of any contract while purporting to act as a registered **engineering practitioner**.**

### **21. Regulations, rules and orders**

**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 purpose of this instrument;

(b) to make different provision for different circumstances; and

(c) to make provisions for the control of the practise of engineering in the construction industry, including rules at to the registration with the Council:

**Provided that the Council shall not be involved in the registration of contractors.**

**[1992 No. 27]**

21A. (1) The Council shall establish a department to be known as the Engineering Regulations Monitoring (ERM) Department which shall be charged with the duties of monitoring 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.

(2) The ERM Department shall consist of personnel of all engineering cadres.

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

(4) In performing the functions as stated in this section, any manufacturing or engineering firm, a construction company or person or group of persons who obstructs or threatens violence to any or on any member, commits an offence and is liable on conviction to –

(a) in the case of company, firms or institutions a fine of N2,000,000.00; and

(b) in the case of an individual, a fine of N500,000.00 or imprisonment for a term of six months.

## 22. Interpretation, etc

(1) In this Act, unless the context otherwise requires -

“approved engineering qualification” means a qualification which is approved in respect of the engineering profession;

“approved” means for the time being approved under section 9 of this Act;

“certificate of experience” means a certificate granted in pursuance of section 13 of this Act;

“Council” means the Council established under section 1 (1) of this Act;

“engineering personnel” includes a registered engineer, engineering technologist, engineering technician and engineering craftsman;  
[1992 No. 27]

“engineering practitioner” includes a registered engineer, engineering technologist, engineering technician and engineering craftsman;

“Minister” means the Minister charged with responsibility for matters relating to the engineering profession generally;

“polytechnic” includes colleges of technology;  
[1992 No. 27]

“practice of engineering” includes any act of planning, professional service or creative work requiring the application of special knowledge of mathematics, physics, chemistry, biology and engineering principles 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 utility, structure, buildings machine, equipment, processing, work or project safeguarding the public interest in all sectors of the economy for the benefit of mankind;

“professional misconduct” refers to when any person who is licenced under this Act –

(a) deliberately fails to follow the standards of conduct and practice of engineering profession set by the Council;

(b) commits gross negligence in the conduct of his professional duties;

(c) allows another person to practice in his name where the person –

(i) is not a holder of a licence,

(ii) is not in partnership with him,

(iii) takes advantage of a clients' by abusing position of trust, expertise or authority,

(iv) lacks regards or concern for client needs or rights or

(v) shows incompetence or inability to render professional engineering service or works;  
or

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

“prescribed” means prescribed by regulations made under this Act;

“register” means the register maintained under this Act, and

“registered” shall be construed accordingly;

“registered engineering practitioner” 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;

“temporary registration” includes registration for non-Nigerian engineering practitioners”

“the Council” means the Council of Registered Engineers of Nigeria established by section 1 (1) of this Act; “the Panel” has the meaning assigned to it by section 15 (3) of this Act;

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

“the Tribunal” has the meaning assigned to it by section 15 (1) of this Act.

(2) For the purpose of this Act -

**(a) a person is fully registered if his name is for the time being entered in the part of the register maintained in respect of fully registered persons; and**

**(b) a person is provisionally registered if his name is for the time being entered in the other part of the register, And “fully registered” and “provisionally registered” shall be construed in accordance with paragraphs (a) and (b) of this subsection.**

**(3) Any approval, consent, direction, notice, observation, report, representation or request authorized or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.**

**[second schedule]**

**23. Short title**

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

**SCHEDULES**

**FIRST SCHEDULE**

**Supplementary provisions relating to the Council**

**Qualifications and tenure of office of members.**

**1.**

(1) A person shall not be a member of the Council unless he is a citizen of Nigeria, fully registered as an **engineering practitioner** under this Act.

(2) A person who is not a member of the Council by virtue of his election by the Nigerian Society of Engineers or of his appointment as a member of any of the public services of Nigeria or under section 1 (2) (c) of this Act shall, subject to the following provisions of this paragraph, hold office for the period of three years beginning with the date of his appointment or election as a member.

(3) Persons elected by the Nigerian Society of Engineers shall hold office as members of the Council for such term not less in any event than two years from the date of election, as may be provided by the constitution of that Society.

(4) Any member of the Council holding office otherwise than by virtue of his appointment as a member of the public services as aforesaid may, by notice to the Council, resign his office.

(5) Subject to section 1 (2) of this Act, a person who ceases to be a member of Council is eligible to become a member of the Council for one more term and no more unless he is an elected President.”

(6) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to paragraph (d) of subsection (1) of section 1 of this Act) the foregoing provisions of this sub-paragraph shall not apply where a person holding office as a member of the Council in pursuance of that paragraph ceases to hold office at a time when the residue of his term does not exceed one year.

(7) The power of appointing a person as president of the Council shall –

(a) during the period of three years beginning with the date when this sub-paragraph comes into force, be exercisable by the Minister; and

(b) after the expiration of that period, be exercisable by the Council, and where an existing member of the Council is elected President, his office as an existing member becomes vacant and his term of office as President begins on the date of his election as President.

(8) “The President shall be elected into the office for a term of four years and no more”;

(9) “There shall be one Vice-President from among the Council members whose job or duties shall be determined by the Council members”

### **Power of the Council**

#### **2.**

(1) The Council shall have power to do anything which, in its opinion, is calculated to facilitate the carrying on of its activities.

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

### **Proceedings of the Council**

(3) Subject to the provisions of the Act and section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any Committee thereof.

[Cap. 123] (4) The quorum of the Council shall be fifteen and the quorum of any Committee of the Council shall be determined by the Council.

(5) (1) The Council shall appoint one of its members to be the vice-president of the Council for such period as the Council may determine, so however that a vice-president who ceases to be a member shall cease to be vice-president.

(2) At any time while the office of president is vacant or the president is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the vice-president shall perform those functions, and references in this schedule to the president shall be construed accordingly.

(6) (1) Subject to the provisions of any standing order of the Council, the Council shall meet whenever it is summoned by the president; and if the president is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council the president or in his absence the vice-president shall preside, but if both are absent the members present at the meeting shall appoint one of their member to preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member of such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provision of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit to the member who shall preside and the procedure which shall be followed at the meeting.

### **Committees**

(7) (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A Committee appointed under this paragraph shall consist of the number of persons one third of those persons may be persons who are not members of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a Committee of the Council other than the Committee mentioned in section 13 (4) of this Act shall be of no effect until it is confirmed by the Council.

### **Miscellaneous**

(8) (1) The fixing of the seal of the Council shall be authenticated by the signature of the president or of one other member authorized generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.

## **SECOND SCHEDULE**

### **Supplementary provisions relating to the Disciplinary Tribunal and Investigating Panel [section 15 (5).]**

#### **The Tribunal**

1. The quorum of the Tribunal shall be four

2. (1) The Chief Justice of Nigeria shall make rules as to be selection of members of the Tribunal for the purpose of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide -

(a) for securing that notice of the proceedings shall be given, at such time in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who, in addition to the person aforesaid shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;

(d) for enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of section 16 (5) of this Act, as to the costs of proceedings before the Tribunal;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;

(g) for publishing in the Federal Gazette of notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any part to the proceedings may sue out of the registry of the High Court, as the case may require, writs of subpoena ad testificandum and duces tecum; but no person appearing before the Tribunal shall be compelled-

(a) to make any statement before the Tribunal tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven year's standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing-

(a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

### **The Panel**

5. The quorum of the Panel shall be three.

6. (1) The Panel may, at any meeting of the Panel attended by not less than six members of the Panel, make standing orders with respect to the Panel.

(2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

### **Miscellaneous**

7. (1) A person ceasing to be member of the Tribunal or the Panel shall be eligible for re-appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.

8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was entitled to do so took part in the proceedings of that body.

9. The Tribunal and the Panel may each sit in two or more divisions.

10. Any document authorized or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar.

11. Any expenses of the Tribunal or the Panel shall be defrayed by Council.

12. A person shall not, by reason only of his appointment as a legal assessor to the Tribunal or as a member of the Panel, be treated as holding an office of emolument under the Government of the Federation or any State thereof.

### **THIRD SCHEDULE**

*Provisions related to Charging, Payment and Collection of Levies, Fees, Charges, Surcharges or Other Stipulated Sources of Funding Under this Act*

#### **Levies, fees, charges and surcharges**

1. Levies, fees, charges and surcharges stated in section 2 under this Act shall be administered as prescribed under this Schedule.

#### **Forfeiture and surcharge from funds forfeited to the Federal Government of Nigeria**

2. (1) There shall be paid into the Fund of the Council a surcharge of 30% deductible from funds forfeited to the Federal Government of Nigeria by offenders under this Act.

(2) The Accountant-General of the Federation shall, after reconciliation with the Council, be responsible for ensuring accurate deduction and remittance of the payable forfeiture surcharge into the Fund of the Council;

(3) The surcharge shall be paid in full into the Fund of the Council by the Accountant-General of the Federation.

#### **Engineering development levy from all engineering projects undertaken by the Federal Government of Nigeria.**

3. (1) There shall be paid into the Fund of the Council a levy of 0.005% deductible from all sums paid on the contract sum for all engineering projects undertaken by the Federal Government of Nigeria.

(2) The engineering projects shall be for the development, construction, reconstruction, rehabilitation and maintenance of roads, railways, airports (including runways), irrigation, dams, power (including generation and transmission), mechanical and electrical services.

(3) The Accountant-General of the Federal is responsible for ensuring the accurate deduction and remittance of the payable engineering development levy into the Fund of the Council.

(4) The levy shall be paid in full into the Fund of the Council by the Accountant-General of the Federation.”

## **ENGINEERS (REGISTRATION, ETC) (AMENDMENT) ACT, 2018**

### **SUBSIDIARY LEGISLATION**

#### **List of Subsidiary Legislation**

#### **1. Registered Engineers (Disciplinary Tribunal and Assessors) Rules.**

#### **REGISTERED ENGINEERS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES**

#### **ARRANGEMENT OF RULES**

#### **Proceedings before the Tribunal**

#### **RULES**

1. Reference of case to Tribunal
2. Parties and appearance
3. Notice of hearing and service
4. Hearing in absence of parties
5. Witnesses and evidence
6. Amendment of charges

7. Proceedings to be in public
8. Adjournment of hearing
9. False evidence.

#### **Findings, etc**

10. Findings and costs.
11. Publication of Tribunal's findings.
12. Record of proceedings.
13. Dispensing with certain provisions.
14. Power to retain exhibits pending appeal.
15. Appointment and duties of assessors.

#### **Supplementary RULES**

16. Interpretation
17. Short title.

#### **SCHEDULE**

##### **Notice of hearing by the Registered Engineers Disciplinary Tribunal**

##### **REGISTERED ENGINEERS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES**

**[S.I. 14 of 1980]**

**Under paragraphs 2 and 4 of the Second Schedules**

**[20th June, 1980]**

**[Commencement]**

##### **Proceedings before the Tribunal**

**1. Reference of case to Tribunal** In any case where in pursuance of section 15 (3) of the Act the Panel is of the opinion that a prima facie case is made against a registered engineer, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

##### **2. Parties and appearance**

(1) The parties to proceedings before the Tribunal shall be -

- (a) the complainant;
- (b) the respondent;
- (c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the Tribunal may order a party to the proceedings to appear in person if of opinion that it is necessary in the interest of justice but without prejudice to his right to counsel.

(3) Notice of hearing and service

(1) On the direction of the Chairman, the Secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form set out in the Schedule to these Rules, serve notice thereof on each party to the proceedings.

(2) The Secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all documents considered by the Panel.

(3) It shall be sufficient compliance with this rule if any process required to be served is handed to the party concerned or affected personally or is sent by registered post to the last known place of residence or abode of the party.

##### **4. Hearing in absence of parties**

(1) Subject to the next succeeding paragraph, the Tribunal may hear and determine a case in the absence of any party.

(2) Any party to the proceedings before a Tribunal who fails to appear or be represented, or who has previously appeared before the Tribunal but subsequently fails to appear or be represented, may apply, within thirty days after the date when the pronouncement of the findings and directions of the Tribunal were given, for a re-hearing on the grounds of want of notice or other good and sufficient reason; and the Tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

## **5. Witnesses and evidence**

The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charge or charges referred to it by Panel; and in the application of this rule, the provisions of the Evidence Act or the Evidence Law in force in the State where the Tribunal holds its sittings, shall apply to any such proceedings.

### **[Cap. E14]**

## **6. Amendment of charges**

**If in the course of the proceedings it appears to the Tribunal that the charge or charges referred to it by the Panel require to be amended in any respect, the Tribunal may permit such amendment as it think fit.**

## **7. Proceedings to be in public**

**The Proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced in public.**

**8. Adjournment of hearing** The Tribunal may, of its own motion or upon application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may think fit.

## **9. False evidence**

**If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.**

### **Findings, etc**

## **10. Findings and costs**

If, after the hearing, the Tribunal adjudged that the charge of professional misconduct has not been proved, the Tribunal –

(a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates.

(b) may, nevertheless, order any party (except the complainant) to pay the costs of the proceedings, if, having regard to his conduct and to all the circumstances of the case, the Tribunal thinks fit so to order.

## **11. Publication of Tribunal's findings**

**Subject to section 16 (3) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal Gazette as soon as may be after the direction takes effect.**

## **12. Record of proceedings**

(1) Shorthand notes of the proceedings may be taken by a person appointed by the Tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal, and to the Council of Registered Engineers of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary.

(3) If no shorthand notes are taken, the Chairman shall take a note of the proceedings and, accordingly, the provisions of these Rules as to inspection and supplying of copies shall apply to such notes.

### **13. Dispensing with certain provisions**

**The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.**

### **14. Power to retain exhibits pending appeal**

**The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.**

### **15. Appointment and duties of assessors**

(1) An assessors, when nominated in accordance with paragraph 4 (1) of the Second Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the Tribunal [Public Notice 122 of 1948]

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Secretary not later than three days before the date appointed for the meeting; and he shall there advise the Tribunal on questions of law arising in proceedings before it.

(3) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Act, shall be tendered in the presence of every party or of his counsel.

(4) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the Tribunal.

(5) Fees to be paid to the assessor shall be such as may be determined by the Council from time to time, with the consent of assessor.

### **Supplementary**

#### **16. Interpretation**

**In these Rules, unless the context otherwise requires –**

**“Chairman” means the Chairman of the Registered Engineers Disciplinary Tribunal;**

**“Complainant” means the Registered Engineers Investigating Panel or any member thereof;**

**“Respondent” means the person required to answer any charge of professional mis-conduct;**

**“Secretary” means a person appointed to act as the Registrar under section 4 (1) of the Act.**

#### **17. Short title**

**These Rules may be cited at the Registered Engineers (Disciplinary Tribunal and Assessors) Rules.**