



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 001

CODE OF CONDUCT OF REGISTERED PERSON

In exercise of the powers conferred by paragraph 4(1)(f) of the Registration of Engineers Act 1967 [Act 138], the Board of Engineers Malaysia hereby determines the Code of Conduct of registered Person as stated herein below.

This Circular supersedes Circular No. 3/2005, Guidelines for Code of Professional Conduct (BEM/RD/PPC/08).

This Code of Conduct is in addition to Part IV, Code of Conduct of the Registration of Engineers Regulations 1990.

1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

- 1.1 Registered Professional Engineer with Practising Certificate not to falsify qualification, etc.**
 - 1.1.1 A registered Professional Engineer with Practising Certificate shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.
 - 1.1.2 A registered Professional Engineer with Practising Certificate shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.
 - 1.1.3 A registered Professional Engineer with Practising Certificate shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.

- 1.1.4 A registered Professional Engineer with Practising Certificate shall undertake assignments only if he is qualified by education and experience in the specific technical fields of that assignment in which he is to be involved.
- 1.1.5 A registered Professional Engineer with Practising Certificate shall approve and sign only those engineering documents that he has prepared or has been prepared under his direction and control.
- 1.1.6 A registered Professional Engineer with Practising Certificate shall not accept assignment and assume responsibility for coordination of an entire project and sign and stamp (Professional Engineer with Practising Certificate stamp) the engineering documents for the entire project unless the engineering documents for each technical segment of the project is signed and stamped personally by the qualified person who is involved in the respective segment of the project.
- 1.1.7 A registered Professional Engineer with Practising Certificate shall be objective and truthful in making professional reports, statements and testimonies. He shall include all relevant and pertinent information in such reports, statements, or testimonies, which should bear the date indicating when the information was current.
- 1.1.8 A registered Professional Engineer with Practising Certificate shall not express publicly technical opinions that are not founded upon his competence and knowledge of the facts in the subject matter.
- 1.1.9 A registered Professional Engineer with Practising Certificate shall not issue any statement, criticism or argument on technical matters that are inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 1.1.10 A registered Professional Engineer with Practising Certificate shall notify the Board in writing within three (3) months –
- (i) if he is convicted of an offence involving false or negligent certification, fraud or dishonesty in Malaysia or elsewhere; or
 - (ii) if he becomes a bankrupt.
- 1.2 Registered Professional Engineer with Practising Certificate to certify work only if he has control over supervision, etc.**
- 1.2.1 A registered Professional Engineer with Practising Certificate shall certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work, and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.
- 1.2.2 A registered Professional Engineer with Practising Certificate who takes over a piece of work shall assume all liability and responsibility for the works done prior to his taking over.

- 1.2.3 A registered Professional Engineer with Practising Certificate shall not reveal facts, data or information without the prior consent of the Client or Employer, past and present, except as authorized or required by law or when the withholding of such information is contrary to the safety, health and interest of the public.
 - 1.2.4 A registered Professional Engineer with Practising Certificate having knowledge of any violation of this Code of Conduct or any law or regulation shall report thereon to Employer or appropriate professional bodies and, where relevant, also to public authorities and cooperate with the appropriate professional bodies or the proper authorities in furnishing such information or assistance as may be required.
 - 1.2.5 When the professional advice of a registered Professional Engineer with Practising Certificate is overruled or amended contrary to his advice, the registered Professional Engineer with Practising Certificate shall, if the amendment may in his opinion give rise to a situation that may endanger the safety, health and interest of the public, notify his Employer or Client and such other authority as may be appropriate and explain the consequences to be expected as a result of his advice being overruled or amended.
- 1.3 Registered Professional Engineer with Practising Certificate not to accept benefit from more than one party, etc.**
- 1.3.1 A registered Professional Engineer with Practising Certificate shall not accept any benefit or compensation, financial or otherwise, from more than one party for professional engineering services on the same project, or for professional engineering services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
 - 1.3.2 A registered Professional Engineer with Practising Certificate shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services.
 - 1.3.3 A registered Professional Engineer with Practising Certificate shall not solicit or accept any consideration, financial or otherwise, directly or indirectly, from outside agents in connection with the work for which he is responsible.
 - 1.3.4 A registered Professional Engineer with Practising Certificate acting as Advisor or Director of a company or an agency shall not participate in decision with respect to professional engineering services solicited or provided by him or his organization.
 - 1.3.5 A registered Professional Engineer with Practising Certificate shall not solicit or accept a contract from a body or agency in which a principal or officer of his organization serves as a member of that body or agency unless with the knowledge and consent of that body or agency.

2.0 PROFESSIONAL ENGINEER

2.1 Registered Professional Engineer not to falsify qualification, etc.

- 2.1.1 A registered Professional Engineer shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.
- 2.1.2 A registered Professional Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.
- 2.1.3 A registered Professional Engineer shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.
- 2.1.4 A registered Professional Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields of that assignment in which he is to be involved.
- 2.1.5 A registered Professional Engineer shall approve and sign only those engineering documents that he has prepared or has been prepared under his direction and control.
- 2.1.6 A registered Professional Engineer shall be objective and truthful in making professional reports, statements and testimonies. He shall include all relevant and pertinent information in such reports, statements, or testimonies, which should bear the date indicating when the information was current.
- 2.1.7 A registered Professional Engineer shall not express publicly technical opinions that are not founded upon his competence and knowledge of the facts in the subject matter.
- 2.1.8 A registered Professional Engineer shall not issue any statement, criticism or argument on technical matters that are inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 2.1.9 A registered Professional Engineer shall notify the Board in writing within three (3) months –
- (i) if he is convicted of an offence involving false or negligent certification, fraud or dishonesty in Malaysia or elsewhere; or
 - (ii) if he becomes a bankrupt.

2.2 Registered Professional Engineer to certify work only if he has control over supervision, etc.

2.2.1 A registered Professional Engineer shall certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work, and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.

2.2.2 A registered Professional Engineer who takes over a piece of work shall assume all liability and responsibility for the works done prior to his taking over.

2.2.3 A registered Professional Engineer shall not reveal facts, data or information without the prior consent of the Client or Employer, past and present, except as authorized or required by law or when the withholding of such information is contrary to the safety, health and interest of the public.

2.2.4 A registered Professional Engineer having knowledge of any violation of this Code of Conduct or any law or regulation shall report thereon to his Professional Engineer with Practising Certificate, or Employer or appropriate professional bodies and, where relevant, also to public authorities and cooperate with the appropriate professional bodies or the proper authorities in furnishing such information or assistance as may be required.

2.2.5 When the professional advice of a registered Professional Engineer is overruled or amended contrary to his advice, the registered Professional Engineer shall, if the amendment may in his opinion give rise to a situation that may endanger the safety, health and interest of the public, notify his Employer or Client and such other authority as may be appropriate and explain the consequences to be expected as a result of his advice being overruled or amended.

2.3 Registered Professional Engineer not to accept benefit from more than one party, etc.

2.3.1 A registered Professional Engineer shall not accept any benefit or compensation, financial or otherwise, from more than one party for professional engineering services on the same project, or for professional engineering services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

2.3.2 A registered Professional Engineer shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services.

2.3.3 A registered Professional Engineer shall not solicit or accept any consideration, financial or otherwise, directly or indirectly, from outside agents in connection with the work for which he is responsible;

- 2.3.4 A registered Professional Engineer acting as Advisor or Director of a company or an agency shall not participate in decision with respect to professional engineering services solicited or provided by him or his organization.
- 2.3.5 A registered Professional Engineer shall not solicit or accept a contract from a body or agency in which a principal or officer of his organization serves as a member of that body or agency unless with the knowledge and consent of that body or agency.

3.0 GRADUATE ENGINEER

3.1 Registered Graduate Engineer not to falsify qualification, etc.

- 3.1.1 A registered Graduate Engineer shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.
- 3.1.2 A registered Graduate Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.
- 3.1.3 A registered Graduate Engineer shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.
- 3.1.4 A registered Graduate Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields of that assignment in which he is to be involved.
- 3.1.5 A registered Graduate Engineer shall sign only those engineering documents that he has prepared or has been prepared under his control.
- 3.1.6 A registered Graduate Engineer shall be objective and truthful in making professional reports, statements and testimonies. He shall include all relevant and pertinent information in such reports, statements, or testimonies, which should bear the date indicating when the information was current.
- 3.1.7 A registered Graduate Engineer shall not express publicly technical opinions that are not founded upon his competence and knowledge of the facts in the subject matter.

- 3.1.8 A registered Graduate Engineer shall not issue any statement, criticism or argument on technical matters that are inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 3.1.9 A registered Graduate Engineer shall notify the Board in writing within three (3) months –
- (i) if he is convicted of an offence involving false or negligent certification, fraud or dishonesty in Malaysia or elsewhere; or
 - (ii) if he becomes a bankrupt.
- 3.2 Registered Graduate Engineer to certify work only if he has supervised, witnessed or inspected such work, etc.**
- 3.2.1 A registered Graduate Engineer shall keep proper records of his participation, supervision, inspection or witnessing of activities on site including the dates and time, subject-matter, condition of site, weather, etc.
- 3.2.2 A registered Graduate Engineer shall check or verify with due diligence the accuracy of facts and data before he signs or endorses any statement or certification. He shall not sign on such documents unless he has supervised, witnessed or inspected the carrying out of such work.
- 3.2.3 A registered Graduate Engineer shall bring to the attention of the Engineer or Employer at the earliest possible opportunity of any instance where the work or materials used are not in compliance with the specifications, drawings or conditions of contract.
- 3.2.4 A registered Graduate Engineer shall not issue instructions to the Contractor or give verification or approval to works carried out by the Contractor unless he has been authorised by the Engineer or Employer to do so.
- 3.2.5 A registered Graduate Engineer shall not reveal facts, data or information without the prior consent of the Engineer or Employer, past and present, except as authorised or required by law or when the withholding of such information is contrary to the safety, health and interest of the public.
- 3.2.6 A registered Graduate Engineer having knowledge of any violation of this Code of Conduct or any law or regulation shall report thereon to the Engineer or Employer and, where relevant, also to public authorities and cooperate with the Engineer or Employer in furnishing such information or assistance as may be required.

3.3 Registered Graduate Engineer not to accept benefit from more than one party, etc

- 3.3.1 A registered Graduate Engineer shall not accept any benefit or compensation, financial or otherwise, from more than one party for professional engineering services on the same project, or for professional engineering services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- 3.3.2 A registered Graduate Engineer shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services.
- 3.3.3 A registered Graduate Engineer shall not solicit or accept any consideration, financial or otherwise, directly or indirectly, from outside agents in connection with the work for which he is responsible.
- 3.3.4 A registered Graduate Engineer acting as Advisor or Director of a company or an agency shall not participate in decision with respect to professional engineering services solicited or provided by him or his organization.

4.0 ENGINEERING TECHNOLOGIST

4.1 Registered Engineering Technologist not to falsify qualification, etc.

- 4.1.1 A registered Engineering Technologist shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
- 4.1.2 A registered Engineering Technologist shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.
- 4.1.3 A registered Engineering Technologist shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.
- 4.1.4 A registered Engineering Technologist shall undertake assignments only if he is qualified by education and experience in the specific technical fields of that assignment in which he is to be involved.
- 4.1.5 A registered Engineering Technologist shall sign only those engineering documents that he has prepared or has been prepared under his control.

- 4.1.6 A registered Engineering Technologist shall be objective and truthful in making professional reports, statements and testimonies. He shall include all relevant and pertinent information in such reports, statements, or testimonies, which should bear the date indicating when the information was current.
- 4.1.7 A registered Engineering Technologist shall not express publicly technical opinions that are not founded upon his competence and knowledge of the facts in the subject matter.
- 4.1.8 A registered Engineering Technologist shall not issue any statement, criticism or argument on technical matters that are inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 4.1.9 A registered Engineering Technologist shall notify the Board in writing within three (3) months –
- (i) if he is convicted of an offence involving false or negligent certification, fraud or dishonesty in Malaysia or elsewhere; or
 - (ii) if he becomes a bankrupt.
- 4.2 Registered Engineering Technologist to certify work only if he has supervised, witnessed or inspected such work, etc.**
- 4.2.1 A registered Engineering Technologist shall keep proper records of his participation, supervision, inspection or witnessing of activities on site including the dates and time, subject-matter, condition of site, weather, etc.
- 4.2.2 A registered Engineering Technologist shall check or verify with due diligence the accuracy of facts and data before he signs or endorses any statement or certification. He shall not sign on such documents unless he has supervised, witnessed or inspected the carrying out of such work.
- 4.2.3 A registered Engineering Technologist shall bring to the attention of the Engineer or Employer at the earliest possible opportunity of any instance where the work or materials used are not in compliance with the specifications, drawings or conditions of contract.
- 4.2.4 A registered Engineering Technologist shall not issue instructions to the Contractor or give verification or approval to works carried out by the Contractor unless he has been authorised by the Engineer or Employer to do so.
- 4.2.5 A registered Engineering Technologist shall not reveal facts, data or information without the prior consent of the Engineer or Employer, past and present, except as authorised or required by law or when the withholding of such information is contrary to the safety, health and interest of the public.

4.2.6 A registered Engineering Technologist having knowledge of any violation of this Code of Conduct or any law or regulation shall report thereon to the Engineer or Employer and, where relevant, also to public authorities and cooperate with the Engineer or Employer in furnishing such information or assistance as may be required.

4.3 Registered Engineering Technologist not to accept benefit from more than one party, etc

4.3.1 A registered Engineering Technologist shall not accept any benefit or compensation, financial or otherwise, from more than one party for professional engineering services on the same project, or for professional engineering services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

4.3.2 A registered Engineering Technologist shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services.

4.3.3 A registered Engineering Technologist shall not solicit or accept any consideration, financial or otherwise, directly or indirectly, from outside agents in connection with the work for which he is responsible.

4.3.4 A registered Engineering Technologist acting as Advisor or Director of a company or an agency shall not participate in decision with respect to professional engineering services solicited or provided by him or his organisation.

5.0 INSPECTOR OF WORKS

5.1 Registered Inspector of Works not to falsify qualification, etc.

5.1.1 A registered Inspector of Works shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, associates or past accomplishments.

5.1.2 A registered Inspector of Works shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his work or registration.

5.1.3 A registered Inspector of Works shall undertake assignments only if he is qualified by education and/or experience in the specific technical fields of that assignment in which he is to be involved.

- 5.1.4 A registered Inspector of Works shall be objective and truthful in making reports, statements and testimonies. He shall include all relevant and pertinent information in such reports, statements, or testimonies, which should bear the date indicating when the information was current.
- 5.1.5 A registered Inspector of Works shall not express publicly technical opinions that are not founded upon his competence and knowledge of the facts in the subject matter.
- 5.1.6 A registered Inspector of Works shall not issue any statement, criticism or argument on technical matters that are inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 5.1.7 A registered Inspector of Works shall notify the Board in writing within three (3) months –
- (i) if he is convicted of an offence involving false or negligent certification, fraud or dishonesty in Malaysia or elsewhere; or
 - (ii) if he becomes a bankrupt.
- 5.2 Registered Inspector of Works to certify work only if he has witnessed or inspected such work, etc.**
- 5.2.1 A registered Inspector of Works shall keep proper records of his participation or inspection or witnessing of activities on site including the dates and time, subject-matter, condition of site, weather, etc.
- 5.2.2 A registered Inspector of Works shall check or verify with due diligence the accuracy of facts and data before he signs or endorses any statement or certification. He shall not sign on such documents unless he has witnessed or inspected the carrying out of such work.
- 5.2.3 A registered Inspector of Works shall bring to the attention of the Engineer or Employer at the earliest possible opportunity of any instance where the work or materials used are not in compliance with the specifications, drawings or conditions of contract.
- 5.2.4 A registered Inspector of Works shall not issue instructions to the Contractor or give verification or approval to works carried out by the Contractor unless he has been authorised by the Engineer or Employer to do so.
- 5.2.5 A registered Inspector of Works shall not reveal facts, data or information without the prior consent of the Engineer or Employer, past and present, except as authorised or required by law or when the withholding of such information is contrary to the safety, health and interest of the public.
- 5.2.6 A registered Inspector of Works having knowledge of any violation of this Code of Conduct or any law or regulation shall report thereon to the Engineer or Employer and, where relevant, also to public authorities and cooperate with the Engineer or Employer in furnishing such information or assistance as may be required.

5.3 Registered Inspector of Works not to accept benefit from more than one party, etc.

- 5.3.1 A registered Inspector of Works shall not accept any benefit or compensation, financial or otherwise, except from the Engineer or Employer for services pertaining to any project that he is engaged in as an Inspector of Works.
- 5.3.2 A registered Inspector of Works shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services, etc.
- 5.3.3 A registered Inspector of Works shall not solicit or accept any consideration, financial or otherwise, directly or indirectly, from outside agents in connection with the work for which he is responsible.
- 5.3.4 A registered Inspector of Works shall not abuse the facilities available on site or seek payment for overtime or such services except where such services have been rendered by him.
- 5.3.5 A registered Inspector of Works shall not refer trades or other specialists input or solicit, receive or accept referral fees or commissions from such referral for any project that he is engaged in as an Inspector of Works.

[321st Board Meeting / 27th October 2016]



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BOARD OF ENGINEERS MALAYSIA