

FREQUENTLY ASKED QUESTION

ENGINEERS ACT

1. Is CPD mandatory?

Yes, Section 13(3)(b) of the REA gives the Board a right to issue a renewal certificate of registration subject to payment of a prescribed fee and upon satisfying such condition (CPD) as may be determined by the Board.

Kindly refer Circular 002 on Continuing Professional Development (CPD) Requirements

2. Can those who graduated with a non-engineering degree (e.g. physics/biotech etc.) become a PE with Practising Certificate (PC) eventually with the new technologist system?

Graduates with non-engineering degrees are not qualify to apply to register as PE, hence cannot become PEPC. The basic requirement of becoming a PEPC is that one must possess an Engineering degree. Engineering Technologist and Graduate Engineers can register with BEM provided that the engineering programmes they had undertaken meet the requirements of the Board

3. In government service (JKR, DID etc.), do Assistant Engineers (normally diploma holders) have to be registered under BEM as well?

Diploma Holder does not meet BEM's requirement to be registered as Graduate Engineers. However they may be registered under the category of Inspector of Work.

4. What are the qualification for registration as :

- (a) Engineering Technologist (ET)**
- (b) Inspector of Works (IOW)**

(a) Section 10C of the Act provides that a person who holds a qualification recognised by the Board, shall be entitled on application to be registered as an Engineering Technologist. The Board at this moment recognised degree in Engineering Technology accredited by the ETAC and degree listed in Sydney Accord list as eligible to be registered as Engineering Technologist.

(b) Section 10E of the Act provides that a person who holds a qualification which recognised by the Board shall be entitled on application to be registered as an Inspector of Work. The Board at this moment recognised Diploma Engineering / Engineering Technology accredited by ETAC and degree listed in Dublin Accord list as eligible to be registered as IOW.

5. **What are the responsibilities of :-**
(a) Engineering Technologist (ET)
(b) Inspector of Works (IOW)
- (a) *Section 7(1B)(2)(aa) provides an Engineering Technologist may, subject to Section 8 of the Registration of Engineers Act 1967(the REA), take up employment which requires him to perform engineering services.*
- (b) *Section 7(1B)(2)(ab) provides an Inspector of Works may, subject to Section 8 of the REA, take up employment which requires him to assist the Professional Engineer in the supervision of engineering works.*
6. **a) What are the requirements to be the shareholders in Engineering Consultancy Practice?**
b) What are the requirements to be directors of Engineering Consultancy Practice?
- a) *The requirements to be shareholders in ECP are provided in Regulation 34A of the Registration of Engineer Act Regulations 1990.*
- b) *The requirements to be director in ECP are provided in Regulation 34B of the Registration of Engineer Act Regulations 1990.*
7. **Does the Act allows contractors and politicians to be directors of Engineering Consultancy Practice?**
- Yes, but within the stipulated limitations.*
8. **What is the validity period of Practising Certificate (PC)?**
- Practising Certificate expires on the 31st December of the year it is issued. Failure to renew the Practising Certificate will subject to the name being removed from the register as per Section 16 of REA.*
9. **Must an engineer with license e.g. electrical competent engineer or gas engineer, practise under an Engineering Consultancy Practice (ECP) if he does not need to submit drawings to authorities?**
- If the Engineer does not wish to submit plans, drawings or any form of documents to the authorities, then there is no necessity to practice under an ECP. Only PEPC is authorised to submit plans, drawings and documents to the authorities.*
10. **Consulting engineering firms are now allowed to open 30% shares of the firm to non-engineers. Does this mean that they can be listed in the open market such as Bursa Malaysia?**
- The requirements for listing are subject to the Companies Act, Securities Commission Malaysia and Bursa Malaysia.*
11. **Do I need to register my site supervisory staff?**
- It is mandatory under the ACT for IOW to register with BEM with minimum education and training requirements as stipulated by BEM.*

12. **If we look at Section 7 of the REA, there is not much difference between Graduate Engineer (GE) and Professional Engineer (PE) except that a PE can use “Ir.” And in item (f) of the Entitlement in Summary (Section 7 (1A)(d), PE is not entitles to recover fee in court of law.**

The difference is clearly described in the ACT in order to ensure public interest is protected through proper regulation of engineers. PE with Practising Certificate (PE with PC) can work individually, can deal with client and recover his fees etc. However a PE (without PC) cannot practice (as a Submitting Person) but can be employed to provide engineering services i.e. he needs to work under a PE with PC or in any organisation including Engineering Consultancy Practice.

Section 8A of Act provides

(1) A Professional Engineer may submit plans or drawings to any person or authority in Malaysia where such plans or drawings are in relation to an equipment, a plant or a specialized product invented or sold by him or his employer.

(2) The employer referred to in subsection (1) shall not include a client.

13. **Any change on Design Liability period? Current – lifetime? Proposal?**

The Limitation Act 1950 has been amended in 2018 and the new Section 6A(3) provides that no action shall be brought after the expiration of fifteen years from the date on which the cause of action accrued. The newly amended Limitation Act has been gazetted on 4 May 2018 but yet to be enforced.

14. **With foreign ownership, is there any impact on ECP’s registration with government bodies such as Ministry of Finance?**

The Ministry of Finance has their own rules to validate such requirements.