

NEC 2025 BEM NATIONAL ENGINEERING CONVENTION

Updates on Amendments to REA 1967

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JOINT SPEAKER

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Member, WG on Engineer's Act



Introduction

Title → Updates to Amendments to REA 1967

- **Proposed amendments were shared at BEM NEC 2024**
- **Some further amendments, but not significant**
- **Will explain the rationale behind the proposed amendments**

Amendments

- i. Definitions**
- ii. Board of Engineers**
- iii. Categories of Registration**
- iv. Entitlements of registered Persons & ECP/ESP**
- v. Disciplinary Action**
- vi. Appeal Board**
- vii. Review Board**
- viii. General / Investigating Committee**
- ix. Investigation and Prosecution Powers**
- x. Schedule**

Amendments

- i. **Definitions**
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- ix. **Investigation and Prosecution Powers**
- x. **Schedule**

Definitions

Section 2

“Assistant Engineer” means a person registered under section 10F.

“Building Surveyor” means a person registered under subsection 10G(1)

“building surveying services” means services related to building remeasurement and inspection, visual diagnostics and condition assessment; and advice on building maintenance, management, and refurbishment works where it relates to professional engineering services; and includes any other building surveying services related to engineering approved by the Board.

“Certified Assistant Engineer” means a person registered under subsection 10E(1).

Definitions

Section 2

“Engineering Services Provider” means a sole proprietorship, partnership or body corporate, providing professional engineering services, registered under section 7C;

“Professional Registered Person” means a Professional Engineer with Practising Certificate or a Professional Engineer or a Professional Engineering Technologist or a Professional Building Surveyor;

“registered Person” means ~~a registered Engineer, Engineering Technologist or Inspector of Works~~ **any person registered under this Act;**

“Temporary Registered Person” means a person registered under section 10AA;

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Board of Engineers

Section 3(2)

The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister -

- (a) a President who shall be a Professional Engineer or a Professional Engineer with Practising Certificate;**
- (b) not more than ~~fourteen~~ sixteen members who shall be Professional Engineers, ~~and~~ Professional Engineers with Practising Certificates and Professional Registered Persons, ~~five~~ three of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia);**

Board of Engineers

Section 3(3)

The members of the Board referred to in paragraph (2)(b) shall consist of the following -

- (a) **not more than three five** Professional Engineers **and two or** Professional Engineers with Practising Certificate who are in the public service of **the Federation Malaysia**;
- (b) not more than two Professional Engineers **and a Professional Registered Person** who are in the service of any **local authority or statutory a**Authority;
- (c) Not more than five Professional Engineers with Practising Certificates who are employees, sole proprietors, partners or directors of an **eEngineering eConsultancy pPractice**; and

Board of Engineers

Section 3(3)

The members of the Board referred to in paragraph (2)(b) shall consist of the following –

- (d) **not more than two** ~~a~~ Professional Engineers ~~and a~~ or Professional Engineers with Practising Certificates ~~s~~ **and a Professional Registered Person** who are employees of any person or body of persons, not being in the public service of ~~the Federation~~ **Malaysia** or in the service of any ~~local authority~~ **or statutory** ~~a~~ **Authority.**

Board of Engineers

Section 3(3A)

Where the Council of the Institution of Engineers (Malaysia) referred to in paragraph (2)(b) does not submit a nomination list within thirty days before the expiry of the term of office of the **five **three** members of the Board nominated by the Council of the Institution of Engineers (Malaysia), the Minister shall appoint any person qualified as a member of the Board(d).**

Board of Engineers

Section 4(1)

The functions of the Board shall be -

- (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by registered ~~Engineers~~ **Persons,** ~~and~~ Engineering Consultancy Practices **and Engineering Services Provider** for professional engineering services rendered;
- (ea) to act as a stakeholder in a contract for professional engineering services, ~~when requested~~ **if required by any law;**

Board of Engineers

Section 4(1)

The functions of the Board shall be -

- (ed) to appoint **a committee** consisting of persons to be determined by the Board **to conduct examinations or to assess qualifications for the purpose of admission as a registered Person;**
- (eh) to investigate and prosecute the commission of any offence by any person under this Act or any regulations made under this Act;

Board of Engineers

Section 4(2)

The functions of the Board shall be -

Without prejudice to the general powers conferred by subsection (1) the Board shall have power -

- (a) to purchase **any movable or immovable property** ~~or lease any land or building required~~ for any of the purposes of the Board;
- (c) to lease out, dispose, or otherwise deal in any **movable and** immovable property of the Board;
- (d) **to impose or reduce a prescribed fee for any services provided by the Board; and**
- (e) **to compound an offence committed by any person, sole proprietorship, partnership, or body corporate under this Act or any regulations made under this Act.**

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- viii. **General / Investigating Committee**
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- x. **Schedule**

Categories of Registration

Section 5(1)

The Register shall contain the following -

- (b) Part B - which shall contain the names, addresses and other particulars of **Graduate** Engineers;
- (i) Part I - which shall contain the names, addresses and other particulars of Engineering Services Providers;
- (j) Part J - which shall contain the names, addresses and other particulars of Temporary Registered Persons;
- (k) Part K - which shall contain the names, addresses and other particulars of Professional Engineering Technologists;

Categories of Registration

Section 5(1)

The Register shall contain the following -

- (l) Part L - which shall contain the names, addresses and other particulars of Certified Assistant Engineers;**
- (m) Part M - which shall contain the names, addresses and other particulars of Assistant Engineers;**
- (n) Part N - which shall contain the names, addresses and other particulars of Building Surveyors; and**
- (o) Part O - which shall contain the names, addresses and other particulars of Professional Building Surveyors.**

Categories of Registration

Section 5(2)

There shall be indicated against the name of each registered Person or Engineering Consultancy Practice **or Engineering Services Provider** kept in the Register the branch or branches of engineering in which he or it is qualified to practice and particulars of any conditions or restrictions imposed by the Board under subsection 7A(3), ~~or~~ 7B(1), **7C(3)**, section 10C, 10D, ~~or~~ 10E, **10F or 10G** or paragraph 4(1)(b).

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Entitlements of Registration

Section 7(1)

No person shall, unless he is a Professional Engineer **or permitted by the Act** -

- (a) **carry on business or** take up employment which requires him to **perform or** carry out ~~or perform~~ professional engineering services **subject to section 7C and subsection 8A(1);**
- (e) **be entitled to recover in any court** any fee, charge, remuneration or other form of consideration for any professional engineering services rendered subject to section 8A; **or**
- (f) **collect fees for services rendered** under section 8A provided that it is **made through an Engineering Services Provider** as provided for under section 7C.

Entitlements of Registration

Section 7(1A)

No person shall ~~not~~, unless he is a Professional Engineer with Practising Certificate **or permitted by the Act** -

- (a) practise, carry on business or take up employment which requires him to **perform or** carry out ~~or perform~~ professional engineering services ~~for designated engineering works~~ subject to section **7A, 7B, 7C and 8**;
- (b) be entitled to describe himself or hold himself out under any name, style or title -
 - (iii) using the abbreviation **“Ir.”** before his name or the abbreviation **“P.Eng.PC”** after his name or in any way in association with his name;

Entitlements of Registration

Section 7(1A)

No person shall ~~not~~, unless he is a Professional Engineer with Practising Certificate **or permitted by the Act** -

- (f)** collect fees for services rendered under section 8 provided that it is made through an **Engineering Consultancy Practice, Multi-Disciplinary Practice or Engineering Services Provider** as provided for under section 7A, 7B and 7C.

Entitlements of Registration

Section 7(1C)

No person shall, unless he is a **Professional Engineering Technologist** or permitted by the Act -

- (a) **carry on business** or take up employment which requires him to perform or carry out professional engineering services subject to section 7C and subsection 8A(3);
- (b) **be entitled to describe himself** or hold himself out under any name, style or title -
 - (iii) using the abbreviation **“Ir.”** before his name or the abbreviation **“P.Eng.Tech”** after his name or in any way in association with his name;

Entitlements of Registration

Section 7(1C)

No person shall, unless he is a **Professional Engineering Technologist** or permitted by the Act -

- (c) **use or display any sign, board, card or other device** representing or implying that he is a Professional Engineering Technologist;
- (d) **use the stamp** as may be determined by the Board;
- (e) be entitled to **recover in any court any fee, charge, remuneration or other form of consideration** for any professional engineering services rendered subject to S.8B;**or**
- (f) **collect fees for services rendered** under section 8B provided that it is made **through an Engineering Services Provider** as provided for under section 7C.

Entitlements of Registration

Section 7(1D)

No person shall, unless he is a **Professional Building Surveyor** or permitted by the Act -

- (a) carry on business or take up employment** which requires him to perform or carry out professional engineering services subject to section 7C and subsection 8A(4);
- (b) be entitled to describe himself** or hold himself out under any name, style or title -
 - (i) bearing the words “Professional Builder Surveyor”** or the equivalent thereto in any other language;
 - (iii) using the abbreviation “BSr.”** before his name or the abbreviation **“P.Bldg.Sr”** after his name or in any way in association with his name;

Entitlements of Registration

Section 7(1D)

No person shall, unless he is a **Professional Building Surveyor** or permitted by the Act -

- (c) **use or display any sign, board, card or other device** representing or implying that he is a Professional Building Surveyor;
- (d) **use the stamp** as may be determined by the Board;
- (e) be entitled to **recover in any court any fee, charge, remuneration** or other form of consideration for any professional engineering services rendered subject to section 8C; or
- (f) **collect fees for services rendered** under section 8C provided that it is made through an **Engineering Services Provider** as provided for under section 7C.

Entitlements of Registration

Section 7(1E)

No person shall, unless he is a **Certified Assistant Engineer** or permitted by the Act -

- (a) **take up employment** which requires him **to assist a Professional Registered Person** in managing, analysing and designing according to standardize practice or well-defined activities (testing, inspection, supervision);
- (b) be entitled to **describe himself** or hold himself out under any name, style or title -
 - (i) bearing the words “**Certified Assistant Engineer**” or the equivalent thereto in any other language;
 - (iii) using the abbreviation “**Cert.Asst.Eng.**” after his name or in any way in association with his name;

Entitlements of Registration

Section 7(1F)

No person shall, unless he is an **Inspector of Works** or permitted by the Act -

- (a) **take up employment** which requires him to **assist a Professional Registered Person** in the supervision of engineering works;
- (b) be entitled to **describe himself** or hold himself out under any name, style or title -
 - (i) bearing the words “**Inspector of Works**” or the equivalent thereto in any other language;
 - (iii) using the abbreviation “**IOW**” after his name or in any way in association with his name;

Entitlements of Registration

Section 7(2)

Notwithstanding subsections (1) and (1A) -

- (a) **an Graduate** Engineer who is registered with the Board may, subject to section 8, take up employment which requires him to **carry out perform** professional engineering services;
- (aa) an Engineering Technologist who is registered with the Board may, subject to section 8, take up employment which requires him to **carry out perform** professional engineering services;

Entitlements of Registration

Section 7(2)

Notwithstanding subsections (1) and (1A) -

- (ac) a Building Surveyor** who is registered with the Board may, subject to section 8, take up employment which requires him to **carry out building surveying services;**
- (ad) an Assistant Engineer** who is registered with the Board may, subject to section 8, **take up employment** which requires him to **assist the Engineers, Engineering Technologists and Building Surveyors** in engineering and building surveying works;
- (ae) A Temporary Registered Person** who is registered with the Board may, subject to section 8, **take up employment** which requires him to carry out professional engineering services;

Entitlements of Registration

Section 7(3)

Where a person holds a certificate -

- (a) issued under the Electricity Supply Act 1990 [Act 447], the ~~Factories and Machinery Act 1967 [Act 139]~~ **Occupational Safety and Health Act 1994 [Act 514]** or any other written law or any regulations made thereunder, certifying him to possess a qualification prescribed for the purposes of those Acts or other written law, or

Entitlements of Registration

Section 7A(3)

The Board shall register a sole proprietorship, partnership or body corporate as an ECP subject to such conditions and restrictions as it may deem fit to impose, if -

(c) in the case of the body corporate –

(iv) **a director** ~~the day-to-day affairs of the body corporate shall be under the control and management of a person~~ who -

(B) is authorized under a resolution of the board of directors of the body corporate to make all final engineering **related** decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of professional engineering services by the body corporate.

Entitlements of Registration

Section 7C(1)

A sole proprietorship, partnership or body corporate may practice as an Engineering Services Provider and recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered by it pursuant to its practice as an **Engineering Services Provider carried on by virtue of this section, if it is registered with the Board as an Engineering Services Provider and has been issued with a certificate of registration.**

Entitlements of Registration

Section 8(1)

Except as otherwise provided under any other written law, no person or body, other than a Professional Engineer with Practising Certificate who is residing and practising in Malaysia or an Engineering Consultancy Practice providing professional engineering services in Malaysia, shall be entitled to submit plans, engineering surveys, drawings, schemes, proposals, reports, designs, ~~or~~ studies **or building surveying services to any person or authority in Malaysia.**

Entitlements of Registration

Section 8A(1)

Notwithstanding subsection 8(1) and as **prescribed** by the Board, A **Professional Engineer** who is residing and practising in Malaysia may submit **plans, engineering surveys, schemes, proposals, reports, designs, studies, or drawings** to any person or **any a**Authority in Malaysia. ~~where such plans or drawings are in relation to an equipment, a plant or a specialised product invented or sold by him or his employer~~

Entitlements of Registration

Section 8B(1)

Notwithstanding subsection 8(1) **a Professional Engineering Technologist** may submit **plans, engineering surveys, schemes, proposals, reports, designs, studies or drawings in relation to modification or improvement or upgrading of an equipment, a plant or a specialized product** sold by him or his employer to any person except to an Authority in Malaysia unless otherwise determined by the respective Authority.

Entitlements of Registration

Section 8C

Notwithstanding subsection 8(1) **a Professional Building Surveyor may submit building surveying services, proposals, reports, studies in relation to building surveying services** to any person except to an Authority in Malaysia unless otherwise determined by the respective Authority.

Entitlements of Registration

Section 10(4)

No person shall be entitled to be registered as a Professional ~~Engineer with Practising Certificate~~ Registered Person unless he is at the time of application for or renewal of registration, and has been for a period of not less than six months prior to the date of application or renewal, residing in Malaysia **except as prescribed by the Board.**

Entitlements of Registration

Section 10AA(1)

Subject to such conditions or restrictions as the Board may impose and upon payment of the prescribed fee, the Board may register a person as **a Temporary Registered Person** if he satisfies the Board that -

- (a) he possesses the necessary qualification** which is recognized for the practice of engineering in the country he normally practices; and
- (b) he possesses the necessary expertise and his physical presence** is required in Malaysia.

Entitlements of Registration

Section 10AA(2)

The Board may approve the registration of **a Temporary Registered Person** under such conditions and **for such period not exceeding one calendar year** and may renew the registration as it deems fit.

Entitlements of Registration

Section 10B(2)

No person shall, unless he is an Accredited Checker, perform the functions or duties as may be prescribed under this Act **including to independently check the design of permanent works of a submitting person.**

Section 10B(3)

Use the stamp as may be determined by the Board.

Entitlements of Registration

Section 10C(3)

Subject to this Act, the following persons shall be entitled on application to be registered as a **Professional Engineering Technologist** -

(a) any person -

(i) who is registered as **an Engineering Technologist** and has obtained such **practical experience** as may be determined by the Board as a Professional Engineering Technologist;

(ii) who -

(A) has passed a **professional assessment examination** conducted by the Board; or

(B) **holds a professional qualification** which the Board considers **to be equivalent to the professional assessment examination** conducted by the Board; and

Entitlements of Registration

Section 10E(1)

Subject to this Act, the following persons shall be entitled on application to be registered as **a Certified Assistant Engineer** or an **Inspector of Works** -

(a) any person -

(i) who is registered as **an Assistant Engineer** and has obtained **such practical experience** as may be determined by the Board in order to be entitled to apply for registration as a Certified Assistant Engineer or an Inspector of Works;

(ii) who -

(A) has passed **a professional assessment examination** conducted by the Board; or

(B) holds a **professional qualification** which Board considers to be equivalent to the **PAE** conducted by Board

Entitlements of Registration

Section 10G(1)

Subject to this Act, the following person shall be entitled on application to be registered as a **Professional Building Surveyor** -

(a) any person -

(i) who is registered as a **Building Surveyor** and has obtained **such practical experience** as may be determined by the Board;

(ii) who -

(A) has passed a **professional assessment examination** conducted by the Board; or

(B) holds a **professional qualification** which the Board considers to be **equivalent to the professional assessment examination** conducted by the Board

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Disciplinary Action

Section 14A

- (1) The Board shall appoint a Disciplinary Committee which shall consist of the following members:
 - (a) a Chairman who shall be a registered Professional Engineer with Practising Certificate; **and**
 - (b) ~~a registered~~ **2** Professional ~~Engineer~~ Registered Persons; **and.**
- (2) The members of the Disciplinary Committee shall have been registered as Professional ~~Engineers~~ **Registered Persons** for a period of not less than seven years prior to their appointment to the Disciplinary Committee.

Disciplinary Action

Section 15(1)

- (a) if he is convicted of any offence ~~,including offences~~ involving false or negligent certification, fraud, dishonesty, **corruption** or ~~moral turpitude~~ **bribery** in Malaysia or elsewhere;
- (fb) if ~~he~~ **a Professional Registered Person** becomes a bankrupt;
- (j) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation, the approval of the Board for a sole proprietorship, partnership or body corporate to be registered as an Engineering Consultancy **Practice or Engineering Services Provider**;
- (p) if he is the **Director** described in paragraph 7A(3)(c)(iv) of an **Engineering Consultancy Practice** or paragraph 7C(3)(c)(iv) of an **Engineering Services Provider** which has been **found guilty** of committing an offence under this Act.

Disciplinary Action

Section 15(1)

The orders referred to in subsection (1) are -

- (a)
- (b) the imposition of a fine not exceeding **fifty one hundred** thousand ringgit;
- (c) the suspension of registration for a period not exceeding two years **or under the circumstance of paragraph 15(1)(fb) until he is discharged from bankruptcy;**

Disciplinary Action

Section 16

There shall be removed from the Register the name and other particulars of -

- (b) any registered Person, other than an **Graduate** Engineer, Engineering Technologist, **Assistant Engineer and Building Surveyor**, or Engineering Consultancy Practice or **Engineering Services Provider** who has failed to renew his or its registration within ~~one~~ **two** months ~~of~~ **from** the expiry of the registration;
- (e) any registered Person or Engineering Consultancy Practice or Engineering Services Provider who or it is not the subject of any pending complaint may apply to the Board **to have his or its name and particulars removed** from the Register.

Disciplinary Action

Section 17

There shall be removed from the Register the name and other particulars of -

(3) A registered Person, ~~or~~ Engineering Consultancy Practice ~~or~~ **Engineering Services Provider** whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or the Board, and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than six months from the date of the order of cancellation or from the date of the decision of the appeal, apply **to the Board for reinstatement** and the Board if satisfied with his or its reasons for reinstatement and upon payment of such fees as may be prescribed and satisfying such conditions as may be determined by the Board.

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Appeal Board

Section 19

- (1) Any person, sole proprietorship, partnership or body corporate -
- (a) Deleted
 - (b) Deleted
 - (c) Deleted
 - (d) Deleted
 - (e) who is not satisfied with an order of the Disciplinary Committee or Board made under subsection 15(1A), ~~or~~ 7A(5) or 7C(6), respectively,

may within twenty-one days of being notified of the order, appeal to the Appeal Board constituted under section 20 and the Appeal Board may thereupon make such orders as it may deem just or proper

Appeal Board

Section 20

For the purpose of this Part there shall be established an Appeal Board consisting of a Judge of the **Court of Appeal or** High Court as Chairman who shall be appointed by the Yang di-Pertuan Agong (after consultation with the Chief Justice) and ~~two~~ **four** other persons appointed by the Yang di-Pertuan Agong. **The quorum for a sitting of the Appeal Board shall consist of the Chairman and two other members.**

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Review Board

Section 23A

- (1) Any person, sole proprietorship, partnership or body corporate -**
- (a) who has been refused registration by the Board;**
 - (b) who has been registered but is dissatisfied with any conditions or restrictions imposed by the Board under section 7B, subsection 7A(3) or 7C(3), or section 4(1)(b); or**
 - (c) who has been registered and has subsequently applied to have his or its registration extended to cover additional branches of engineering and has had his or its application refused,**
- may within 21 days of being notified of the refusal, conditions, restrictions, or removal, **appeal to the Review Board** constituted under section 23B and the Review Board may thereupon make such decisions as it may deem just or proper.**

Review Board

Section 23B

- (1) For the purpose of this Part there shall be established a Review Board consisting of two members who shall be past Board member and four other Professional Registered Persons who shall have served in the relevant committees of the Board. The members of the Review Board shall be appointed by the Minister. The quorum for a sitting of the Review Board shall consist of a Chairman who shall be a past Board Member and two other members.**
- (3) Subject to the provisions of this Act, the Review Board may regulate its own procedures in such manner as it deems fit.**

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General / IC

Section 24

Any person, sole proprietorship, partnership or body corporate who –

- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another registered Person or Engineering Consultancy Practice or Engineering Services Provider;**
- (h) contravenes section 7 or 8, or subsection 7A(1), 7C(1), 24A(1) or 24B(5),**

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty one hundred thousand ringgit, or to imprisonment for a term not exceeding three years, or to both

General / IC

Section 24A

- (1) ~~No~~ **It shall be an offence** for a person ~~shall~~ to employ or engage a person, sole proprietorship, partnership or body corporate, other than a **registered Person** ~~Professional Engineer with Practising Certificate or Engineering Consultancy Practice~~ **or Engineering Services Provider**, to perform **or carry out** professional engineering services.

General / IC

Section 24B

- (1) ~~For the purposes of subsection 15(3), t~~The Board ~~shall~~ may appoint an Investigating Committee **to investigate misconduct or complaint** against a registered Person or an Engineering Consultancy Practice or Engineering Service Provider. **The Investigating Committee** ~~which~~ shall consist of the following members:
- (b) two other members, ~~one of whom shall be a Professional Engineer with Practising Certificate.~~ **who shall be Professional Registered Person.**

General / IC

Section 24B

- (3) The Investigating Committee appointed under subsection (1) may, for the purpose of an investigation -
- (b) require such person to **produce for inspection or make copies of** any book, document, ~~or~~ paper, **cloud storage, record, computerized document or article** relating to or connected with the subject matter of the investigation which is in the custody of that person or under his control and may require such person to give information in relation to such book, document or paper which may reasonably be required by the Investigating Committee;
 - (c) require any person whom it considers necessary to appear before the Investigating Committee **to give oral evidence relating to or connected with the subject matter**

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Investigation and Prosecution

Section 30

The Board may, in writing, authorize any person to enforce the provisions of the Act.

Section 31

An authorized officer shall have all the powers necessary to carry out an investigation under this Act.

Investigation and Prosecution

Section 33

- (1) The Board shall issue to each authorized officer an authority card which shall be signed by the President.**
- (2) Whenever such officer exercises any of the powers under this Act, he shall, on demand, produce to the person against whom the Board's powers are being exercised, the authority card issued to him under subsection (1).**
- (3) An authorized officer entering any premise under this section may take with him such other person and equipment as may appear to him to be necessary**

Investigation and Prosecution

Section 33

- (4) An authorized officer may, in exercise of his powers under this section, if necessary -**
- (a) break open any outer or inner door of the premises or any obstruction to the premises in order to effect entry into the premise;**
 - (b) to remove by force any obstruction to entry, search, seizure or removal as the authorized officer is empowered to effect under this section; and**
 - (c) to detain any person in the premise until the search has been completed.**

Investigation and Prosecution

Section 34

Notwithstanding section 35C, an authorized officer may at any time enter any premise for the purpose of -

- (a) inspecting any equipment, computer, instrument, book, record, document, computerized document, article or other thing as the authorized officer considers necessary;**
- (b) verifying the accuracy of records or statements of information given to an authorized officer or to the Board.**

Investigation and Prosecution

Section 35

- (1) An authorized officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise.**
- (2) For the purpose of this section, access shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.**

Investigation and Prosecution

Section 36

A search warrant issued under this Act shall be valid and enforceable notwithstanding any defect, mistake or omission therein or in the application for the warrant and any equipment, computer, instrument, book, record, document, computerized document, article or other thing found in the premise under the warrant shall be admissible as evidence in any proceedings under this Act.

Investigation and Prosecution

Section 40

A person who -

- (a) assaults, delays, impedes, hinders or obstructs an authorized officer in effecting any entrance which he is entitled to effect under this Act or any of its regulations in the execution of any duty imposed or power conferred by this Act;**
- (b) breaks any seal that has been affixed by an authorized officer on any place;**
- (c) fails to comply with any lawful demand of an authorized officer in the execution of his duty under this Act;**
- (d) fails, refuses or neglects to give any information which may be reasonably required by an authorized officer; or**

Investigation and Prosecution

Section 40

A person who -

(e) without reasonable excuse fails to produce any equipment, computer, instrument, book, record, document, computerized document, article or other thing required by an authorized officer -

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding **fifty one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.**

Investigation and Prosecution

Section 43

- (1) No prosecution for any offence under this Act shall be instituted except with the consent in writing of the Public Prosecutor.**
- (2) Any officer of the Board authorized by the Public Prosecutor may conduct the prosecution of any offence under this Act.**

Investigation and Prosecution

Section 44

- (1) The Board may prescribe any offence under this Act as an offence which may be compounded.**
- (2) The Board, with the consent of the Public Prosecutor in writing, may at any time before a charge is being instituted compound any of the offences prescribed under subsection (1) as an offence which may be compounded by accepting from the person reasonably suspected of having committed the offence a sum of money not exceeding ten per centum of the maximum fine within such time as may be specified in his written offer.**

Amendments

- i. **Definitions**
- ii. **Board of Engineers**
- iii. **Categories of Registration**
- iv. **Entitlements of registered Persons & ECP/ESP**
- v. **Disciplinary Action**
- vi. **Appeal Board**
- vii. **Review Board**
- viii. **General / Investigating Committee**
- ix. **Investigation and Prosecution Powers**
- x. **Schedule**

Second Schedule

Section (5)

- (d) A Graduate Engineer who is registered under the principal Act, before the date of the coming into operation of this Act, shall be registered as an Engineer.**
- (e) A Building Surveyor, who on the appointed date, fulfills the requirement of subsection 10G shall be exempted from the provisions of subsection 10G(2) if he applies to be registered as a Professional Building Surveyor within one year from the date of the coming into operation of this Act, or any period as may be extended by the Board.**



Q & A