

CHAPTER 63

THE ENGINEERS REGISTRATION ACT

An Act to repeal and re-enact with modifications the Engineer (Registration) Board Act, 1968, to establish a board to regulate the conduct of engineers, to provide for their registration and for related matters.

[1st August, 1997]

[GN. No. 318 of 1997]

Acts Nos.
15 of 1997
24 of 2007

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Engineers Registration Act.

Interpretation
Act No.
24 of 2007 s. 2

2. In this Act unless the context otherwise requires-

“Appeals Authority” means the Appeals Authority established by section 22;

“Board” means the Engineers Registration Board established under section 3;

“engineering project” means a project whose inception, planning, designing, execution, supervision and management require engineering science, technology and management;

“engineering organisation” means organisation whose functions involve the planning, designing, processing and the delivery of engineering products and services;

“Institution of Engineers” means local or foreign engineering institutions registered in their respective countries and their members are engineers whose academic knowledge and practical experience are recognised by the Board;

“member” in relation to the Board includes the Chairman or the Vice-Chairman;

“Minister” means the Minister responsible for works;

“Register” means the Register kept under the provisions of section 7;

“registered consulting engineer” means a person or firm whose name is entered in the Register as a consulting engineer in a particular engineering discipline, classification and grade;

“registered engineer” means a person whose name is entered in the Register as professional engineer;

“registered graduate engineer” means a person whose name is entered in the register as graduate engineer;

“registered graduate technician engineer” means a person whose name is entered in the register as graduate incorporated engineer;

“registered technician engineer” means a person registered as a technician engineer;

“Registrar” means the Registrar of the Engineers Registration Board appointed under section 6;

“technical institutions” means institutions, agencies or ministries that-

- (a) employ engineers and use their services; and
- (b) are responsible for works, water, communication, transport, agriculture, energy, mining, local government, science and technology, environment, industry and trade;

PART II

THE BOARD

Establishment
of Engineers
Registration
Board

3.-(1) There is hereby established a Board to be known as the Engineers Registration Board which shall have responsibility for regulating the activities and conduct of engineers and engineering consulting firms in accordance with the functions and powers conferred upon it by this Act.

(2) The Board shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and

(c) be capable of acquiring, holding and disposing of movable and immovable property in its corporate name.

(3) The provisions of the Schedule shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary or revoke and replace the provisions of the Schedule.

Functions of
Board
Act No.
24 of 2007 s. 3

4.-(1) The functions of the Board shall be-

- (a) to maintain and keep a Register of engineers, including consulting engineers or firms providing engineering services;
- (b) to consider and decide on applications for registration;
- (c) to provide facilities and opportunities for learning professional exposure and skills acquisition, and cause to be held professional development programs for engineers and engineering technicians;
- (d) to sponsor, arrange and provide for facilities for conferences, seminars, workshops and consultations on matters related to the field of engineering;
- (e) to promote and maintain professional conduct and integrity of the engineering profession;
- (f) to monitor the conduct and activities of engineers, including consulting engineers or firms;
- (g) to arrange for the publication and dissemination of materials produced in connection with the work and activities of the Board;
- (h) to certify academic awards given by training institutions for consideration in an application made under section 10;
- (i) to plan, arrange, coordinate and oversee the professional training of local graduate engineers;
- (j) to collaborate with the Tanzania Commission for Universities and other relevant institutions on the

accreditation of programs for training of engineers and facilitate for the same;

- (k) to enter and inspect sites where construction, installation, erection, alteration, renovation, maintenance, processing, or manufacturing works are in progress for the purpose of verifying that-
 - (i) engineering activities are undertaken by engineers registered in appropriate categories and engineering consulting firms; and
 - (ii) standards and professional ethics and relevant health and safety aspects are observed;
- (l) to enter and inspect business offices for verification purposes or for monitoring works, services and goods rendered by engineers and engineering technician;
- (m) to suspend or issue stop order to any works, projects, services, installation, process or other engineering activities which are done without meeting engineering professional requirement;
- (n) to take legal action against persons or firms that practice engineering without being registered by the Board;
- (o) to take legal action against engineers and engineering consulting firms that practice engineering or offer engineering consultancy services in areas outside their competence for which they are not registered;
- (p) to conduct examination for purposes of registration and grant certificate, diplomas and other awards of the Board to successful candidates;
- (q) to impose penalties on engineers, persons, employers of engineers, firms and engineering consulting firms found guilty of professional misconduct for contravening provisions of this Act;
- (r) to collaborate with local engineering training institutions, professional association and other organisations in matters related to training, professional development of engineers, engineering technicians and other relevant Board activities;

- (s) to provide a link between engineers seeking employment and prospective employers; and
- (t) to carry out such other functions as the Minister may, from time to time direct after consultation with the Board.

(2) The Board may delegate some of its functions to local engineering professional association or institutions, but shall set standards and ensure their compliance.

Limitation of
Liability
Act No.
24 of 2007 s. 4

5. A member of the Board, Secretariat, or a person under whom performance of the functions of the Board have been delegated, shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out responsibilities and functions of or exercising the powers conferred upon the Board.

PART III REGISTRATION

Appointment of
Registrar

6. The Board shall appoint a Registrar of the Board who shall be a registered engineer and who shall hold and vacate office in accordance with the terms of his appointment.

Register of
engineers and
entries therein

7.-(1) The Registrar shall keep and maintain a Register in which the names of person entitled for registration are entered showing the following:

- (a) date of entry;
- (b) name and postal address(es);
- (c) qualifications;
- (d) registration number;
- (e) nationality;
- (f) category of registration (permanent or temporary);
- (g) physical address;
- (h) key managerial, professional, technical and other personnel in the case of a firm;
- (i) principal of the firm;

- (j) duration of registration; and
- (k) any other particulars which the Board may direct.

(2) A change in the particulars registered under subsection (1) shall be entered in the Register by the Registrar.

Publication of
Register and list

8.-(1) The Registrar shall cause to be published in the *Gazette*, after registration, the name, address and qualifications of registered engineer and subject to the directions of the board, may cause any amendment or deletion from the Register to be published.

(2) The Registrar shall cause to be published in the *Gazette*, after the first day of January in each year, a list containing the names, addresses and qualifications of registered engineers remaining in the Register at the close of the previous year.

(3) A person may inspect the Register and any document relating to the entry and obtain a copy of or an extract from the Register or any document, on payment of a prescribed fee.

Publication
Prima facie
evidence of
registration

9.-(1) A publication under the provisions of section 8 shall be a *prima facie* evidence that, the person named therein are registered under this Act, and the deletion from the Register of the name of any person notified by that publication, or the absence of the name of any person from that publication, shall be *prima facie* evidence that, that person is not registered.

(2) The Register, lists and copies thereof or extracts therefrom which purport to have been certified under the hand of the Registrar shall be receivable in courts and tribunals or other bodies authorised to receive evidence as *prima facie* evidence of the facts stated therein.

(3) The production of the Register or any document kept by the Registrar shall not be compelled from any court without the leave of that court and the compelling which is issued shall bear a statement that, it was issued with the leave of the court.

(4) The Registrar shall not in any legal proceedings to which he is not a party be compellable to-

- (a) produce the Register or any document if its contents can be proved under subsection (1); or
- (b) appear as a witness to prove any entry in the Register, the matters recorded therein or any document, unless the court for special course so orders.

Qualification for
registration
Act No.
24 of 2007 s. 5

10.—(1) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment of the prescribed fee, to be registered under this Act and to have his name entered in the register as—

- (a) engineering technician if he is a holder of a National Technical Award level 6 or equivalent;
- (b) graduate incorporated engineer if he is a holder of a higher diploma or an equivalent qualification in engineering obtained from an engineering polytechnic or college recognised by the Board;
- (c) graduate engineer if he is a holder of a degree, diploma of a university or school of engineering of which are recognised by the Board as furnishing a sufficient guarantee of an adequate academic training in engineering;
- (d) incorporated engineer if he is a graduate incorporated engineer and has not less than three years practical experience of such nature as to satisfy the Board as to his competence to practice as incorporated engineer;
- (e) professional engineer if he—
 - (i) is a member of an institution of engineers, for membership of which is recognised by the Board as furnishing a sufficient guarantee of academic knowledge of and practical experience in engineering;
 - (ii) is a graduate engineer and has not less than three years practical experience of such a nature as to satisfy the Board as to his competence to the practice as a professional qualified engineer; or

- (iii) has passed the prescribed examination or interview, as set by the Board; or
- (f) consulting engineer in a particular classification and grade if he-
 - (i) is a professional engineer and has practiced in a specialised engineering field for a period determined by the Board;
 - (ii) has satisfied the Board as to having achieved a standard of competence to enable him to practice as consulting engineer in a particular specialisation and grade.

(2) Subject to the provisions of subsection(1)(f), a consulting engineer may practice as an independent consultant or individual consultant as stipulated in the Public Procurement Act provided that, he has satisfied the Board to have fulfilled the requirements as may be determined by the Board.

(3) In the case of a consulting firm-

- (a) a person or body of persons shall not be registered as a consulting engineer unless at least 51% of the shares are owned by engineers or companies registered with the Board;
- (b) shall fulfill the conditions mentioned in subsection (1)(f) in terms of its key engineering personnel and any other conditions which may be prescribed by the Board; and
- (c) registration of consulting firms shall be made in various classes or categories based on criteria as shall be established by the Board.

(4) The Board may require an applicant for registration under this Act to satisfy that his professional and general conduct has been such as, in the opinion of the Board, to make him a fit and proper person to be registered under this Act and the Board may direct the Registrar to postpone the registration until so satisfied.

Temporary
Registration
Act No.
24 of 2007 s. 6

11.-(1) Where a person satisfies the Board that-

- (a) he is not ordinarily resident in Tanzania;
- (b) he is or intends to be present in Tanzania in the capacity of a professionally qualified engineer for the express purpose of carrying out specific work or works for which he has been engaged; and
- (c) he is, or immediately prior to entering Tanzania was in practice as an engineer in a capacity which satisfies the Board of his fitness to serve the public as a professionally qualified engineer,

the Board may if it thinks fit, direct that person be registered under this section either for a period not exceeding one year or for the duration of any specific work or works:

Provided that, the qualifications, expertise and skills are not available amongst Tanzania engineers or engineering technicians.

(2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of considering his application and require the applicant to produce documentary evidence of his work or employment immediately prior to his entering Tanzania.

(3) Registration of a person under this section shall continue for the period or for the duration of the work or works as is directed by the Board under subsection (1) and on termination, the person shall cease to be registered and in case of doubt, the decision of the Board as to the termination of the work or works shall be conclusive.

(4) A person registered under this section shall, in relation to the period or the duration of the work or works as is directed by the Board under subsection (1) and to things done and omitted in the course of such work or works, be treated as registered under this Act as a registered engineer but in relation to other matters shall be treated as not so registered.

(5) For the purpose of this section, the word “persons” include a body of persons corporate or unincorporated.

Restriction on
registration of
non-citizens and
foreign consulting
firms

12.—(1) A person or body of person not citizen of the United Republic shall not be registered as a local consultant or consulting firm unless-

- (a) in the case of natural person, he is a citizen of the United Republic;
- (b) in the case of a company, it is incorporated in Tanzania and the majority of its shares are owned by the citizens of the United Republic.

(2) Where the conditions stipulated in subsection (1) are not fulfilled, the person or company shall be registered as a foreign engineer, consultant or consulting firm.

(3) A person or firm registered under this section shall possess qualifications specified in section 10(1)(f) and (3).

Annual practicing
licence
Act No.
24 of 2007 s. 7

13.—(1) A professional engineer or consulting engineer who has been registered under this Act, shall in addition to the registration, possess a practicing certificate.

(2) A practicing certificate shall be valid for a period of three years from the date of issue but shall be deemed to have expired forthwith where the registered professional or consulting engineer is deleted from the Register earlier before the end of such period:

Provided that, where the name of a registered professional or consulting engineer is deleted from the register, the annual practicing certificate expires forthwith.

(3) A person who practices engineering activities without valid practicing certificate commits an offence and on conviction shall be liable to-

- (a) in case of an individual, a fine of not less than five hundred thousand shillings or to imprisonment for one year or to both; or
- (b) in case of a firm, a fine of not less than five million shillings.

(4) The Board may consider provisions of practicing certificate for a period less than a year as it may deem fit.

[s. 12A]

Restriction on
private practice as
engineer
Act. No
24 of 2007 s. 8

14.-(1) A person other than a registered engineer shall not engage in professional engineering work or services.

(2) For the purposes of this section-

“professional engineering work” includes professional services, consultation, investigation, evaluation, planning, designing, management of engineering projects or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects where public interest and welfare or the safeguarding of life, public health, environmental sustainability or property is concerned or involved and that requires application of engineering principles and data;

“professional engineering services” means advisory services relating to any professional engineering works, selling or supplying for gain or reward any plan, sketch, drawing, design, specification or other document relating to any professional engineering works, services or goods;

“consulting engineering services” includes consultancy and advisory services relating to any independent professional engineering works, service or goods and selling or supplying for gain or reward any plan, sketch, drawing, design, specification or other document relating to any professional engineering work, service or goods with a liability to be sued.

(3) A person shall not be deemed to be engaged in professional engineering work or services where-

(a) he renders services to his employer by whom he is employed under a contract of service on a full time basis; or

(b) at the time of so doing, that person is under the direction or supervision of a registered engineer who shall assume professional responsibility for the work or services.

(4) A body of person whether corporate or unincorporate, shall not carry on business as an engineer unless one of its partners, members or shareholders is a registered engineer.

(5) Where a shareholder, partner or member of a body of persons, whether corporate or unincorporate, carrying on business as an engineer dies, that body of person may, notwithstanding the provisions of subsection (4), continue to carry on the business until the time as the administration of the estate of the deceased is completed, as if the legal representatives were registered engineers.

(6) This Act shall not be construed as entitling anybody of person, whether corporate or unincorporate to be registered or as empowering the Registrar to register anybody of person as registered engineers.

(7) A person who carries on business as an engineer in contravention of this section, commits an offence and on conviction, shall be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not exceeding five years or to both.

[s. 13]

Restriction of
employment of
engineer
Act No.
24 of 2007 s. 9

15.-(1) A person shall not employ as an engineer a person who is not a professional engineer or consulting engineer or cause to undertake engineering works or services without employing the services of a professional engineer or consulting engineer.

(2) A person shall not take up or continue in any employment as an engineer, or carry out engineering works or services unless he is a professional engineer or consulting engineer.

(3) A person who contravenes the provision of this section commits an offence and on conviction, shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding two years or to both.

(4) In this section “employ” means employ under a contract of service or other form of agreement and the term “employment” shall be construed accordingly.

(5) Where an employer employs a person as a trainer engineer or incorporated engineer, this section shall not apply to that employee's employer.

(6) In the case of employment of a graduate engineer, graduate incorporated engineer or incorporated engineer, subsections (1) to (4) shall not apply, unless they acquire registration as professional engineers.

(7) Where an employee is a foreigner, subsection (5) shall not apply.

[s. 14]

PART IV

CANCELLATION AND SUSPENSION OF REGISTRATION

Power to delete
and correct
Register
Act No.
24 of 2007 s. 10

16.—(1) The Board may at any time direct that, the name of a registered engineer be deleted from the Register where that person has—

- (a) failed within a period of six months from the date of an inquiry was sent by the Registrar by prepaid registered letter to the address appearing in the Register against his name, to notify the Registrar of his current address;
- (b) requested that his name be deleted from the Register, in which case that person may be required to satisfy the Board by affidavit lodged with the Registrar that, a criminal proceedings or proceedings under any provisions of this Act are not being or likely to be taken against him;
- (c) been found by the Board to be guilty of misconduct or breach of code of conduct and ethics as provided for under section 18; or
- (d) failed to pay annual fees for a period of two years consecutively.

(2) The Registrar shall delete from the Register the name of a deceased person and any entry which has been incorrectly or fraudulently made.

(3) Except in the circumstances specified in paragraph (a) of subsections (1) and (2), the deletion from the register of the name of any person shall be notified by the Registrar to that person by prepaid registered letter to the address appearing in the Register immediately prior to the deletion.

(4) Subject to the provisions of section 17, a person whose name has been deleted from the Register shall cease from the date of the deletion to be registered for the purposes of this Act.

[s. 15]

Restoration to
Register

17.—(1) Where the name of a person has been deleted from the Register under section 16, the name of that person shall not be again entered in the Register except by direction of the Board.

(2) Where the name of a person has been deleted from the Register, or the effect of the registration of a person has been suspended in the terms of paragraph (b) of section 18, the Board may, either on its own motion or on the application in the prescribed manner of the person concerned, and in either case after holding the inquiry as the Board thinks fit, direct that-

- (a) the deletion from the register be confirmed;
- (b) the name of that person be restored to the Register; or
- (c) the suspension of the effect of the registration of that person be terminated.

(3) A direction given by the Board under subsection (2) may include provision for the date upon which a restoration to the Register or the termination of a suspension of the effect of registration shall take effect and for the payment of the prescribed fee, not exceeding the fee payable on an application for registration, as the Board may determine.

[s. 16]

Power to suspend
registration, etc
Act No.
24 of 2007 s. 11

18.—(1) Where any registered engineer is convicted of any offence under this Act or after due inquiry held by the Board, is found to have been guilty of any act or omission amounting to improper or disgraceful conduct in a professional respect, the Board may-

- (a) caution or censure that registered engineer;

- (b) direct that, during the period as the Board may specify, the registration of his name shall not have effect;
- (c) direct that his name be deleted from the Register; or
- (d) impose a fine of the amount as may be determined by the Board.

(2) Where the punishment imposed is a fine and the person fined refuses or fails to pay the fine within thirty days of the date on which it is imposed, his registration shall be suspended until the time the fine has been paid to the Board.

[s. 17]

PART V

INQUIRIES AND APPEALS

Proceedings at
inquiry
Act No.
24 of 2007 s. 12

19.—(1) Upon any inquiry held by the Board, a person or firm whose conduct is being inquired into, shall be entitled to appear and to be heard in person or to be represented by an advocate:

Provided that, when represented, the person shall also be present at the hearing of the inquiry.

(2) For the purposes of proceedings at any inquiry, the Board shall have power to—

- (a) administer oaths;
- (b) summon persons to attend and give evidence;
- (c) order the production of documents; and
- (d) appoint a person who shall advise the Board at the inquiry on matters relating to law.

(3) The summonses and orders issued under the hand of the Chairman or the Vice-chairman of the Board shall be deemed to be issued by the Board.

(4) The Chairman, or in his absence the Vice-chairman of the Board shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.

(5) Subject to the provisions of this section and any regulations made under section 23, the Board shall have power to regulate its own procedure at an inquiry held by it.

Cap. 16

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be a judicial proceeding.

[s. 18]

Disobedience of
summons and
refusal to give
evidence
Act No.
24 of 2007 s. 13

20.—(1) A person upon whom summons or an order issued under the provisions of section 19-

- (a) refuses or omits without sufficient cause to attend at the time and place mentioned in the summons;
- (b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief the questions put to him by or with the concurrence of the Board; or
- (c) refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order,

commits an offence and on conviction, shall be liable to a fine not less than five hundred thousand shillings or imprisonment for a term of one year or to both.

(2) A person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to the privileges to which he would be entitled as a witness before the High Court.

[s. 19]

Appeals against
decisions of
Board

21.—(1) A person or firm aggrieved by the decision of the Board-

- (a) to refuse to register his name;
- (b) to delete the name of a registered engineer;
- (c) to refuse to restore a name to the Register; or
- (d) to suspend the effect of registration of his name,

may appeal to the Appeals Authority against the decision of the Board.

(2) The Appeals Authority may in that appeal, give any directions in the manner which it thinks proper.

(3) Where the aggrieved party is not satisfied with the decision of the Appeals Authority, he may further appeal to the High Court.

(4) The Board may appear as respondent and be heard on any appeal against its decision and, for the purpose of enabling directions to be given as to the costs of any appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

[s. 20]

Appeals Authority
Act No.
24 of 2007 s. 14

22. The Appeals Authority shall consist of-

- (a) a Chairman to be appointed by the Minister;
- (b) a member from the Office of the Attorney General nominated in that behalf by the Attorney General;
- (c) two engineers appointed by the Minister who are not employees of the Ministry responsible for works;
- (d) four other members appointed by the Minister who shall be-
 - (i) one registered engineer nominated by the Institution of Engineers Tanzania;
 - (ii) one registered engineer nominated by the Association of Consulting Engineers Tanzania;
 - (iii) one registered architect nominated by the Architectural Association of Tanzania; and
 - (iv) one registered contractor representing a contractors association in Tanzania.

[s. 21]

Rules of
proceedings
before Appeals
Authority

23.-(1) The Minister may after consultation with the Attorney General make rules for regulating appeals to the Appeals Authority and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal.

(2) Subject to any rules made under subsection (1), the provisions of sections 19 and 20 shall apply *mutatis mutandis*,

in relation to appeals made under section 21 and to persons summoned to give evidence before the Appeals Authority.

[s. 22]

PART VI

RESTRICTIONS ON PRACTISING AS ENGINEERS OR ENGINEERING CONSULTANTS

Use of description
“Registered
Engineer”
and effect of
registration

24. A person whose name has been entered in the Register as a registered consulting engineer or a registered engineer shall, as long as his name remains in the Register, be entitled to adopt and use the style and title “Registered Consulting Engineer” or “Registered Engineer”, or such contraction thereof as the Board may approve, and offer his services to the public for gain or reward or by way of trade as a professionally qualified engineer or consulting engineer.

[s. 23]

Use of description
of “Registered
Technician
Engineer” etc.

25. A person whose name has been entered in the Register shall, as long as his name remains in the Register, be entitled to adopt and use the style and title so registered.

[s. 24]

Restriction on use
of title and claim
to qualifications
by non-registered
person

26.-(1) A person who, not being a registered consulting engineer or a registered engineer-

- (a) falsely pretends to be a registered consulting engineer or a registered engineer;
- (b) uses the style or title “registered consulting engineer” or “registered engineer” or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that person is a registered consulting engineer or a registered engineer; or
- (c) holds himself out, whether directly or by implication, to be a professionally qualified engineer,

commits an offence and on conviction, shall be liable to a fine of one million shillings or to imprisonment for a term of not less than two years or to both.

(2) A person whose name has been registered under this Act in one or more disciplines, pretends to be or hold himself or acts as if he was registered, commits an offence and on conviction shall be liable to a fine of not less than one million shillings or to imprisonment of not less than two years or to both.

[s. 25]

PART VII GENERAL PROVISIONS

Offences

27. A person who-

- (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register or any copy thereof;
- (b) fraudulently procures or attempts to procure himself or any other person to be registered under this Act; or
- (c) knowingly and willfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person,

commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or imprisonment not exceeding one year or to both.

[s. 26]

Accounts and
audit

28.-(1) The Board shall cause to be kept proper accounts and after the end of each financial year cause the accounts relating to that financial year together with-

- (a) a statement of income and expenditure during that financial year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that financial year,

to be submitted to and audited by registered and authorised auditors.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report shall be forwarded to the Minister.

[s. 27]

Registrar's report **29.** The Registrar shall prepare a report on the activities of the Board during that financial year at the end of each financial year, and submit the report to the Minister through the Board.
[s. 28]

Funds of Board
Act No.
24 of 2007 s. 15 **30.** The funds and resources of the Board shall consist of such-

- (a) sums as the Board may receive by way of grant or loan from any person or organisation;
- (b) sums as the Board may, with the consent of the Minister, borrow for the purposes of the Board;
- (c) sums as may in any manner become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of the functions of the Board;
- (d) sums to be provided by technical institutions, industries or organisations for the Structured Engineers Apprenticeship Programme; and
- (e) sums as the Board may be provided for purposes of the Board by Parliament in the form of Government subvention.

[s. 29]

Power to invest **31.** The Board shall have power to invest its funds in the investments and subject to conditions as are prescribed by the Trustee Investment Act.
Cap. 53
[s. 30]

Annual Statement of accounts and Registrar's report to be laid before National Assembly **32.** The Minister shall cause to be laid before the National Assembly-

- (a) copies of the statement referred to in section 28(1) together with a copy of the auditors report; and
- (b) a copy of the Registrar's report.

[s. 31]

Minister may give directives **33.** The Minister may, by writing under his hand, give the Board directives of a general or specific nature which are of national interest and the Board shall comply with the directives.

[s. 32]

Minister may Make regulations Act No. 24 of 2007 s. 16 **34.**—(1) The Minister may make regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the regulations may provide for—

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the appointment by the Board amongst its members of subcommittees and the co-option of persons to them;
- (c) the duties of the Registrar;
- (d) the issue of certificates of registration;
- (e) the fees to be paid for inspection of the Register and for certificates, extracts, copies and lists of, or in relation to, entries in the Register; and
- (f) anything which is permitted or required by this Act to be prescribed.

[s. 33]

By-laws Act No. 24 of 2007 s. 17 **35.**—(1) The Board with the consultation of the Minister may make by-laws for the better carrying out of its objects and functions.

(2) Without prejudice to the generality of the preceding provisions, the Board may make by-laws—

- (a) prescribing the scale of fees which may be charged by engineers or consulting firms for services rendered by them;
- (b) prescribing diplomas, certificates and other awards which may be conferred or granted by the Board;
- (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;

- (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of professional training, interviews and examinations;
- (f) prescribing fees for admission to any course offered by the Board;
- (g) prescribing fees payable by the candidates for any professional interview or examination held or conducted by the Board;
- (h) providing for and regulating disciplinary proceedings against the officers of the Board, the students and candidates;
- (i) prescribing rules for professional practice, conduct and ethics for engineers and consulting firms;
- (j) prescribing the fees to be paid on application, registration, annual subscription; the issue of certificates of registration and extracts, copies and lists of, or in relation to entries in the Registers and other related fees;
- (k) reconciling parties involved in disputes and in cases of disagreement, referring those cases to a legally established authority catering for arbitration;
- (l) conducting arbitration for parties under dispute whose contracts of agreement stipulate that the Board shall arbitrate their case; and
- (m) evaluating certificates, diplomas, degrees and the attendant academic transcripts for the express purpose of establishing whether or not the said certificates, diplomas or degrees meet the minimum acceptable qualification for registration with the Board.

[s. 34]

Repeal
Act No.
49 of 1968

36. [Repeals the Engineers (Registration) Act]

[s. 35]

Transitional
provisions
Act No.
49 of 1968

37. The Minister may, at any time before the commencement of this Act, by order published in the *Gazette*, make transitional

provisions which he may deem necessary for the better control and general supervision of engineers registered under the Engineers (Registration) Act.

[s. 36]

Savings

38.—(1) Notwithstanding the repeal made under section 36, anything done or any action taken or purported to have been done under the repealed law shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act.

(2) All subsidiary legislation made under the repealed law which are in force on the commencement of this Act shall be deemed to have been made under this Act until they are revoked or rescinded by subsidiary legislation made under this Act.

[s. 37]

SCHEDULE

(Made under section 3(3))

COMPOSITION AND PROCEEDINGS OF THE BOARD

Composition of
Board and tenure
of office

1.—(1) The Board shall consist of nine members namely—

- (a) a Chairman of the Board who shall be a person who has positively contributed to the engineering sector in Tanzania appointed by the Minister;
- (b) three registered engineers in the service of the Government;
- (c) one registered engineer from a higher institution of learning;
- (d) two registered engineers not being in the service of the Government as follows:
 - (i) one registered engineer nominated in writing by the Institution of Engineers Tanzania; and
 - (ii) one registered engineer nominated in writing by the Association of Consulting Engineers Tanzania;
- (e) one legally qualified person holding office in the Office of the Attorney General nominated in writing in that behalf by the Attorney General; and
- (f) one professional from a profession closely related to engineering.

(2) The members of the Board shall be appointed by the Minister.

(3) A member of the Board shall, unless dies or resigns or his appointment is revoked by the Minister, hold office for a period of

three years from the date of his appointment and be eligible for re-appointment.

(4) The Minister may fill any casual vacancy occurring in the membership, and may revoke the appointment of any member, and appoint a replacement in accordance with the system of representation contained in subparagraph (1).

(5) A member may resign by giving notice in writing to the Minister of his intention to do so.

Election of Vice-Chairman

2.-(1) The members shall elect a Vice-Chairman of the Board from amongst their number.

(2) The Vice-Chairman shall hold office for a period of one year from the date of his election and be eligible for re-election.

Meetings of Board

3.-(1) Subject to the provisions of subparagraph (2) the Board shall meet at such times as may be necessary or expedient for the transaction of its business and the meetings of the Board shall be convened by the Chairman, or in his absence or incapacitated through illness, the Vice-Chairman, who shall appoint a suitable time, place and date for the holding of such meeting.

(2) The Chairman, or in his absence from the United Republic or incapacitated through illness, the Vice-Chairman shall convene a special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at the meetings of the Board and in the absence of both the Chairman and the Vice-Chairman, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

Quorum and voting at meetings

4.-(1) A majority of the members of the Board shall constitute a quorum at any meeting of the Board.

(2) All acts, matters and things authorised to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of subparagraph (2) where the Chairman directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any decision shall be deferred until the subject matter be considered at a meeting of the Board.

Minutes of Meetings and appointment of Secretary

5.-(1) Minutes in proper form of each meeting of the Board shall be kept and be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

(2) The Board may appoint a suitable person to be Secretary to the Board for the purposes of attending meetings of the Board, keeping the minutes of the meetings and performing other secretarial duties as the Board may require.

Board may regulate its own proceedings

6. Subject to the provisions of this Act, the Board shall have power to regulate its own proceedings.

The seal of Board

7. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman and one other member of the Board.

Vacancies, etc, not to invalidate proceedings

8. Subject to the provisions of paragraph 4 relating to a quorum, the Board may act notwithstanding any vacancy in the membership thereof and an act or proceeding of the Board shall not be invalid by means only of some defect in the appointment of a member or a person who purports to be a member.

