

# **PROPOSED AMENDMENTS TO THE REGISTRATION OF ENGINEERS ACT**

**Due to liberalization .....**

**Board of Engineers Malaysia (BEM)**



# CONTENTS

- PART 1**                      **AMENDMENTS TO SECTION 10**  
**Which will allow registration of natural persons .....**
- PART 2**                      **AMENDMENTS TO SECTION 7A & 7B**  
**Which will allow Engineering Consultancy Practices to be owned by any person or body .....**
- PART 3**                      **AMENDMENTS TO SECTION 7 & 8**  
**Exclusive entitlements of engineers .....**
- PART 4**                      **AMENDMENTS TO SECTION 3 & 4**  
**The Board to set-up an examination committee to conduct the Professional Competency Examination .....**
- PART 5**                      **OTHER AMENDMENTS**  
**Title, registration of non-engineers etc ....**
- PART 6**                      **CONCLUSION**  
**The Act has been amended .....**

# THE REGISTRATION OF ENGINEERS ACT 1967 & REGULATIONS

- **ACT –**
  - Decree passed by a legislative body  
i.e. an Act of Parliament
  - Amendments in an Act requires Parliament to debate  
and approved
  - The process takes a long time requires various  
Ministries support, the Attorney General & Cabinet  
approval etc. before presenting it to Parliament.
  - The last amendments to the Engineers Act took 5  
years
- **REGULATIONS -**
  - Requires the relevant Minister's approval
  - Need not pass through Parliament

# Amendments to Section 10

Which will allow registration of natural person....

# AMENDMENTS TO THE ACT IN SUMMARY

## Registration of Natural Persons (Mode 4)

Deletion of citizenship requirements in **Section 10(4)** of the Act allows BEM to register Graduate and Professional Engineers of any nationality

BEM

**New amendments**  
**No citizenship reqds. for registration**

Local or foreign  
Graduate  
Engineer

Qualification  
meets the  
Washington  
Accord reqds.

1<sup>st</sup>. tier of Prof. Engr.  
**New amendments**  
**No citizenship reqds.**

Local or foreign  
Professional  
Engineer

Sit and pass the  
Professional  
Assessment  
Examinations

1<sup>st</sup>. tier of registration of Prof. Engr who do not wish to have a "Practicing Certificate"

2<sup>nd</sup>. tier of Prof. Engr.  
**New amendments**  
**No citizenship reqds.**

Local or foreign  
Professional Engineer  
with  
Practicing Certificate

Mandatory reqd.  
to sit and pass  
the Professional  
Competency  
Examinations

2<sup>nd</sup>. tier of registration of Prof. Engr. include a 'Licensing' scheme for those who wish to 'practise' & supply professional engineering services

## SECTION 10. Qualifications for registration

EXISTING ACT Section 10(4)	AMENDED ACT	EXPLANATION
<u>This section only allows Malaysian citizens or permanent resident to be registered as an Engineer with BEM</u>	<u>Citizenship and permanent residence requirements deleted from the Act</u>	
Subject to this Act, <b>only a citizen or a permanent resident of Malaysia may qualify for registration as a Graduate Engineer or Professional Engineer</b> and no person shall be entitled to be registered as a Professional Engineer unless he is at the time of application for registration, and has been for a period of not less than six months prior to the date of application, residing in Malaysia.	<b>Section 10(4) amended to</b>  Subject to this Act, <b>no person shall be entitled to be registered as a Professional Engineer and a Professional Engineer with a Practising Certificate in force</b> unless he is at the time of application for registration, and has been for a period of not less than six months prior to the date of application, residing in Malaysia.	<u>Deletion of citizenship requirements</u> <b>BEM to register engineers of any nationality with limitation on prior residence in Malaysia for Professional Engineers.</b>  <b>Hence all 'recognized' local or foreign engineers can be registered with BEM; either as a Graduate Engineer, Professional Engineer or Professional Engineer with a Practising Certificate.</b>

**This simple amendment will allow registration of engineers of any nationality & open the “pandora’s box” .....**

## SECTION 10(1)(a). Qualifications for registration as a Graduate Engineer

EXISTING ACT  Section 10(1)(a)	AMENDED ACT	EXPLANATION
<u><b>This section is for the registration of Graduate Engineer with BEM</b></u>	<u><b>No amemdments to the Act</b></u>	
<p>Subject to this Act, a person who holds –</p> <p>(i) the qualifications required for Graduate Membership of the Institution of Engineers (Malaysia) and which are recognised by the Board; or</p> <p>(ii) any qualification in engineering which is recognised by the Board,</p> <p>shall be entitled on application to be registered as a Graduate Engineer.</p>		<p><u><b>Registration as a Graduate Engineer</b></u></p> <p><b>Requirements for Malaysian citizenship and permanent residence has been deleted. Graduate Engineers of any nationality can be registered with BEM.</b></p> <p><b>The Graduate Engineer undergraduate degree must meet the Washington Accord requirements as a benchmark; BEM is a signatory to this agreement.</b></p>

## SECTION 10(2)(i). Qualifications for registration as a Professional Engineer

EXISTING ACT Section 10(2)(i)	AMENDED ACT	EXPLANATION
<u><b>This section is for the registration of Professional Engineer with BEM</b></u>	<u><b>Additional Section to the Act</b></u>	
<p>Subject to this Act, the Following persons shall be entitled on application to be registered as Professional Engineers:</p> <p>(i) any person who –</p> <p>(a) is registered as a Graduate Engineer and has obtained the practical experience as prescribed under paragraph (1)(b);</p> <p>(b) has passed a professional assessment examination conducted by the Board, or is a Corporate Member of the Institution of Engineers (Malaysia); and</p> <p>(c) has complied with all the requirements of the Board;</p>	<p><b>Added to end of Section 10(2)(i)</b></p> <p><b>Or any person who –</b></p> <p><b>(a) has a qualification in engineering which is recognized by the Board which entitles the person to be registered as a Graduate Engineer;</b></p> <p><b>(b) holds a professional qualification which the Board considers to be equivalent to the professional assessment examination conducted by the Board; and</b></p> <p><b>(c) has complied with all the requirements of the Board;</b></p>	<p><u><b>1<sup>st</sup>. tier of Professional Engineer</b></u></p> <p><b>Local or foreign engineers can sit and passed the Professional Assessment Examination (PAE) and registered with BEM as a professional engineer</b></p> <p><b>or</b></p> <p><b>engineers with equivalent professional qualification such as Chartered Engineer status need not sit and pass the Professional Assessment Examination (PAE) can be registered as a professional engineer with BEM.</b></p> <p><b>This is the 1<sup>st</sup>. tier registration for those engineers who do not wish to ‘practise’ or set-up an Engineering Consultancy Practice (ECP).</b></p>

# SECTION 10(D). Qualifications for registration as a Professional Engineer with a Practising Certificate

EXISTING ACT New section 10(D)	AMENDED ACT	EXPLANATION
	<u>This section is for the registration of Professional Engineer with a Practising Certificate with BEM</u>	
	<p><b>New Section 10(D)</b></p> <p>10(D)(1) Subject to the provisions of this Act, Any person who –</p> <p>(a) Is a registered Professional Engineer;</p> <p>(b) has passed a Professional Competency Examination conducted by the Board; and</p> <p>(c) has complied with all the requirements of the Board;</p> <p>shall be entitled on application to be registered as a Professional Engineer with a Practising Certificate in force</p> <p>10(D)(2) Subject to the provisions of this Act, Any person who, on the date of this Act, is registered as a Professional Engineer with the Board shall be entitled on application with the prescribed fee and within 12 months of this date to be registered as a Professional Engineer with a Practising Certificate in force.</p>	<p><u>2<sup>nd</sup>. tier of Professional Engineer</u></p> <p>Local or foreign engineers who wish to set-up an Engineering Consultancy Practice (ECP) and supply professional engineering services must sit and passed the Professional Competency Examination (PCE) and registered with BEM as a Professional Engineer with a valid 'license' i.e. the "Practising Certificate".</p> <p><u>Saving Rights Clause</u></p> <p>All existing Professional Engineers are entitle to the "Practising Certificate" without the need to sit and passed the Professional Competency Examination.</p>

## SECTION 10A. Registration of Temporary Engineers

EXISTING ACT Section 10A	AMENDED ACT	EXPLANATION
<u>This section is for registration of foreign engineers with BEM</u>	<u>Since citizenship requirements is no longer required for registration this section is deleted</u>	
<p>(1) Subject to this section and such conditions or restrictions as the Board may think fit to impose, the Board may, upon payment of the prescribed fee, approve the registration of a foreign engineer as a Temporary Engineer.</p> <p>(2) A foreign engineer may be considered for registration as a Temporary Engineer if he satisfies the Board that –</p> <p>.....</p> <p>And so on .....</p>	SECTION 10A DELETED	<p><u>Registration of Temporary Engineers</u></p> <p>This section is redundant due to amendments of Section 10(2)(iv) and 10(4) whereby BEM can register engineers of any nationality.</p>

**There is no more need to register foreign engineers as “Temporary Engineers” .....**

# Amendments to Section 7A & 7B

Which will allow Engineering Consultancy Practices to be owned by any person or body....

# AMENDMENTS TO THE ACT IN SUMMARY

## Commercial presence (Mode 3)

Local or foreign engineers can register with BEM under Section 10 & hence can set-up a business entity registered with BEM.

Registration with Boards  
as a Business Entity

Engineering Consultancy  
Practice (Section 7A)

Multi disciplinary practice  
registered under Section 7B  
to follow the same format for  
equity and Board of Directors  
under Section 7A.

Sole Proprietorship

Must be Professional Engineer (local or  
foreign) with Practising Certificate (P.C.)

Partnership

Partners must be Prof. Engineer (local or  
foreign) with Practising Certificate (P.C.)

Body Corporate

70% equity for local or foreign P.E. with P.C.  
30% equity by any person/bodies

Equity prescribed in  
Regulations

Management of the Firm  
Board of Directors

At least 2/3s of Directors must be P.E. with  
Practising Certificate (local or foreign)  
Remaining 1/3 can be anybody/person  
and must named a P.E. with P.C. in charge

Composition of Board of  
Directors prescribed in  
Regulations

## SECTION 7A. Engineering consultancy practice

EXISTING ACT Section 7A(1)	AMENDED ACT	EXPLANATION
<u>Registration of Engineering consultancy practice/firms/companies</u>	<u>Part of Section 7(A)(1) amended</u>	
(1) Notwithstanding subsection 7(1), a sole proprietorship, partnership or body corporate may practise as an Engineering consultancy practice 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 consultancy practice carried on by virtue of this section, if it is registered with the Board as an Engineering consultancy practice and has been issued with a certificate of registration.	(1) Notwithstanding subsection 7(1 <b>B</b> ), a sole proprietorship, partnership or body corporate <b>shall</b> practise as an Engineering consultancy practice and <b>may</b> 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 consultancy practice carried on by virtue of this section, if it is registered with the Board as an Engineering consultancy practice and has been issued with a certificate of registration.	<u>Supply of engineering services</u> <b>Local or foreign engineers supplying professional engineering services to practise through an Engineering Consultancy Practice (ECP).</b>

**This ensures that all businesses in the supply profession engineering services shall be thro' an ECP registered with BEM .....**

EXISTING ACT Section 7A for Single Disciplinary Practice	AMENDED ACT	EXPLANATION
<u>Registration of Engineering consultancy practice/firms/companies</u>	<u>Part of Section 7(A)(3) amended</u>	
<p>7(A)(3) The Board shall register a sole proprietorship, partnership or body corporate as an Engineering consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if –</p> <p>(a) in the case of the sole proprietorship, the sole proprietor is a Professional Engineer;</p> <p>(b) in the case of the partnership, all the partners are Professional Engineers; or</p> <p>(c) in the case of the body corporate, it –</p> <p>(i) has a board of directors comprising persons who are Professional Engineers;</p> <p>(ii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or with any other persons who are Professional Engineers; and</p>	<p>(a) in the case of the sole proprietorship, the sole proprietor is a Professional Engineer <b>with a Practising Certificate in force</b>;</p> <p>(b) in the case of the partnership, All the partners are Professional Engineers, <b>each with a Practising Certificate in force</b>; or</p> <p>(c) in the case of the body corporate, it –</p> <p>(i) has a board of directors <b>as may be prescribed</b>;</p> <p>(ii) has share <b>holdings as may be prescribed</b>; and</p>	<p><u>Single Disciplinary Practice (SDP)</u> <b>Board of Directors &amp; equity to be stated in the Regulation for ease of future amendments for progressive liberalization.</b></p> <p><b>Ensure that owner of a sole proprietor shall be a Professional Engineer (local or foreign) with a Practising Certificate.</b></p> <p><b>Ensure that the partners shall be Professional Engineers (local or foreign) with a Practising Certificate.</b></p> <p><u>Both items below will be in the Regulation</u> <b>At least 2/3s of the Board of Directors shall be Professional Engineers (local or foreign) with Practising Certificate &amp; the rest open to all.</b></p> <p><b>70% of equity shall be with Professional Engineers (local or foreign) with Practising Certificate &amp; the rest open to all.</b></p>

## SECTION 7A(3)(iv). Additional clause for the management of a body corporate

EXISTING ACT Section 7A(1)	AMENDED ACT	EXPLANATION
<u>Registration of Engineering consultancy practice/firms/companies</u>	<u>Additional Section 7(A)(3)(iv)</u>	
	(iv) the business of the body corporate, so far as it relates to professional engineering services in Malaysia, will be under the control and management of a director of the body corporate who is a Professional Engineer with a Practising Certificate in force and is authorized under the resolution of the board of directors of the body corporate to make all final decisions on behalf of the body corporate with respect to the requirements of the Act, the rules or any other law relating to the supply of professional engineering services by the body corporate.	<u>Director in-charge of a body corporate.</u> Ensure that the all decisions of a body corporate shall be made by a Professional Engineer with a Practising Certificate i.e. the CEO, Chairman or Managing Director.

<p><b>EXISTING ACT</b></p> <p><b>Section 7B for Multi Disciplinary Practce</b></p>	<p><b>AMENDED ACT</b></p>	<p><b>EXPLANATION</b></p>
<p><u><b>Registration of Multi Disciplinary Practice as an ECP</b></u></p>	<p><u><b>Part of Section 7(B)(2) amended</b></u></p>	
<p>7(B)(1) Where a body corporate carries on a practice of providing professional engineering services, architectural consultancy services and/or quantity surveying services, the Board may, subject to such conditions or restrictions as it may deem fit to impose, register that part of the practice providing professional engineering services.</p> <p>7(B)(2) The body corporate that applies for registration under subsection (1) must be incorporated under the Companies Act 1965 and –</p> <p>(a) has a board of directors comprising Professional Engineers, Professional Architects and/or registered Quantity Surveyors;</p> <p>(b) has shares held by the persons mentioned in paragraph (a) and any of the following persons and/or bodies corporate where –</p>	<p>(a) has a board of directors <b>as may be prescribed;</b></p> <p>(b) has share <b>holdings as may be prescribed;</b></p>	<p><u><b>Multi Disciplinary Practice (MDP)</b></u></p> <p><b>Board of Directors &amp; equity to be stated in the Regulation for ease of future amendments for progressive liberalization.</b></p> <p><u><b>Both items below will be in the Regulation</b></u></p> <p><b>At least 2/3s of the Board of Directors shall be Professionals (local or foreign) &amp; the rest open to all</b></p> <p><b>70% of equity shall be with Professionals (local or foreign) with &amp; the rest open to all</b></p>

# Amendments to Section 7 & 8

Exclusive entitlements of engineers....

## SECTION 7. ENTITLEMENTS IN SUMMARY

ENTITLEMENTS	SECTION	ENGINEERING TECHNOLOGIST	GRADUATE ENGINEER	PROF. ENGR.	PROF. ENGR. (with Practice Cert.)
(a) Practise or carry on business which requires him to carry out or perform professional engineering services	Sect. 7(1)(a)	NO	NO	NO	YES
(b) Take up employment which requires him to carry out or perform professional engineering services	Sect. 7(1)(a)	YES	YES	YES	YES
(c) Use title "Professional Engineer" or the equivalent thereto in any other language	Sect. 7(1)(aa)	NO but use Eng. Tech.	NO but use Grad. Eng.	YES	YES
(d) Use "Ir." & "P. Eng" before or after the name	Sect. 7(1)(aa) (ii)	NO	NO	YES	YES
(e) Display sign, card or other device implying he is a Professional Engineer	Sect. 7(1)(b)	NO	NO	YES	YES
(f) Entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered	Sect. 7(1)(c)	NO	NO	NO	YES

## SECTION 7. ENTITLEMENTS IN SUMMARY (Cont'd)

ENTITLEMENTS	SECTION	ENGINEERING TECHNOLOGIST	GRADUATE ENGINEER	PROF. ENGR.	PROF. ENGR. (with Practice Cert.)
(g) Entitle to use prescribed P.E. stamp	Sect. 7(1)(c)	NO	NO	YES	YES
(h) Entitled to use prescribed Practice Certificate	Sect. 7(1)(A)(i)	NO	NO	NO	YES
(i) Entitled to submit plans, engineering surveys, drawings, schemes, proposal, reports, designs or studies (only if he is residing in Malaysia)	Sect. 8(1)	NO	NO	NO	YES
(j) Entitled to (i) only in relation to the branch of engineering he is registered in	Sect. 8(2)	NO	NO	NO	YES
(k) Not prohibited to make valuations of any structure, plant, machinery & equipment, and making valuations for mining purposes, in connection with his professional practice	Sect. 8(3)	Prohibited	Prohibited	Prohibited	Not prohibited
(l) The right to be heard before the Board makes order of punishment under Section 15(1A)	Sect. 15(2)	YES	YES	YES	YES

## SECTION 7. Restrictions on unregistered persons, Graduate Engineers, etc.

EXISTING ACT Section 7	AMENDED ACT	EXPLANATION
<u>This section are the rights of a Professional Engineer</u>	<u>Part of Section 7(1) amended</u>	
<p>(1) No person shall unless he is a Professional Engineer -</p> <p>(a) <b>practise, carry on business or</b> take up employment which requires him to carry out or perform professional engineering services;</p> <p>(c) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered; or</p>	<p>(1) No person shall unless he is a Professional Engineer -</p> <p>(a) <b>take up employment which requires him to carry out or perform professional engineering services;</b></p> <p><b>SECTION 7(1)(c) DELETED</b></p>	<p><u>Entitlement of a 1<sup>st</sup>. tier Professional Engineer</u></p> <p>The introduction of two-tier system of Professional Engineers will not allow the 1<sup>st</sup>. tier Professional Engineer to supply professional engineering services.</p>

# SECTION 7(1)(A). A new section on entitlements of P.E.s with Practising Certificate

EXISTING ACT	AMENDED ACT	EXPLANATION
	<u>This section are the entitlements of a Professional Engineer with a Practising Certificate</u>	
	<p><b>New Section 7(1)(A)</b></p> <p><b>(1) No person shall unless he is a Professional Engineer with a Practising Certificate in force –</b></p> <p><b>(a) practise, carry on business or take up employment which requires him to carry out or perform professional engineering services;</b></p> <p><b>(b) be entitled to describe himself or hold himself out under any name, style or title-</b></p> <p><b>(i) bearing the words "Professional Engineer with Practising Certificate" or the equivalent thereto in any other language;</b></p> <p><b>(ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Engineer with Practising Certificate;</b></p>	<p><u>Entitlement of 2<sup>nd</sup>. tier of Professional Engineer with a Practising Certificate</u></p> <p><b>Allowed to supply professional engineering services, identify himself as a Professional Engineer with a Practising Certificate etc.</b></p>

# SECTION 7(1)(A). A new section on entitlements of P.E.s with Practising Certificate

EXISTING ACT	AMENDED ACT	EXPLANATION
	<u>This section are the entitlements of a Professional Engineer with a Practising Certificate</u>	
	<p><b>New Section 7(1)(A) – Cont'd</b></p> <p>(1) No person shall unless he is a Professional Engineer with a Practising Certificate in force –</p> <p>(c) use or display any sign, board, card or other device representing or implying that he is a Professional Engineer with a Practising Certificate;</p> <p>(d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional engineering services rendered subject to the provisions in Section 8; or</p> <p>(e) use the stamp as prescribed in the Second Schedule.</p>	<p><u>Entitlement of 2<sup>nd</sup>. tier of Professional Engineer with a Practising Certificate</u></p> <p><b>Entitle to recover professional fees</b></p> <p><b>Identification for submission purposes</b></p>

## SECTION 8. Only Professional Engineer and Engineering consultancy practice may submit plans or drawings

EXISTING ACT  Section 8	AMENDED ACT	EXPLANATION
<u>Restriction on Professional Engineer with a Practising Certificate</u>	<u>Part of Section 8(1) amended</u>	
(1) Except as otherwise provided under any other written law, no person or body, other than a Professional Engineer 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 to any person or authority in Malaysia.	(1) Except as otherwise provided under any other written law, no person or body, other than a Professional Engineer <b>with a Practising Certificate in force</b> 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 to any person or authority in Malaysia.	<u>Supply of engineering services</u> <b>To only allow a Professional Engineer with a Practising Certificate with a valid 'license' or an Engineering Consultancy Practice to supply professional engineering services.</b>  <b>and to</b>  <b>ensure that all Professional Engineer with a Practising Certificate or an Engineering Consultancy Practice is in the country when they do submission.</b>

# STREET, DRAINAGE AND BUILDING ACT 1974 ACT 133

## Part I, 3. Interpretation

"principal submitting person" means a qualified person who submits building plans to the local authority for approval in accordance with this Act or any by-laws made thereunder and includes any other qualified person who takes over the duties and responsibilities of or acts for the first mentioned qualified person;

"qualified person" means a Professional Architect, Professional Engineer or building draughtsman registered under any written law relating to the registration thereof;

"submitting person" means a qualified person who submits plans other than building plans to the local authority or relevant statutory authority in accordance with this Act or any by-laws made thereunder and includes any other qualified person who takes over the duties and responsibilities of or acts for the first mentioned qualified person;

**With the amendments the “principal submitting person”, “qualified person” or “submitting person” shall only mean “professional engineers with a practising certificate in force” which have the entitlement as stated in the Engineers Act. Authorities that require endorsement should take note.**

# PROFESSIONAL ENGINEER'S SEAL

## 1<sup>ST</sup>. TIER PROFESSIONAL ENGINEER

NOT allowed to practise or carry on business which requires him to carry out or perform professional engineering services.

NOT allowed to submit plans, engineering surveys, drawings, schemes, proposal, reports, designs or studies.

## 2<sup>ND</sup>. TIER PROFESSIONAL ENGINEER

ALLOWED to practise or carry on business which requires him to carry out or perform professional engineering services.

ALLOWED to submit plans, engineering surveys, drawings, schemes, proposal, reports, designs or studies (only if he is residing in Malaysia).



The distinguishing feature between the 1<sup>st</sup>. tier & 2<sup>nd</sup>. tier professional engineer is the suffix "L" or a totally different shape of the P.E. endorsement.

# Amendments to Section 3 & 4

The Board to set-up an examination committee to conduct the Professional Competency Examination....

# BOARD OF ENGINEERS MALAYSIA

**BEM**

Amendment  
Professional Competency  
Examination (PCE) Council to  
be set-up

**President**

**Secretary &  
Registrar**

**14 members who shall be  
Professional Engineers**

**1 member from  
Board of Architect**

**1 member from Board  
of Quantity Surveyor**

## Amendment to the composition of BEM

At least 50% of members of  
the Board shall be  
Professional Engineers with  
Practising Certificate

## Standing Committees of BEM

Examination & Qualification  
Quality  
Application  
Accredited Checkers  
Management  
Engineering Accreditation Council  
Scale of Fees  
Training & Education  
Engineers Act  
IT  
National Monitoring  
Publications  
Professional Practice

The accreditation of the  
undergraduate engineering  
degree is under the purview of  
the BEM's Engineering  
Accreditation Council

The Professional Assessment  
Examination (PAE) is under the  
purview of BEM's Examination &  
Qualification Committee

## Section 3. Establishment of Board of Engineers

EXISTING ACT Section 3	AMENDED ACT	EXPLANATION
<u>Composition of BEM</u>	<u>Composition amended</u>	
<p>3(2) The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister:</p> <p>(a) a President who shall be a Professional Engineer;</p> <p>(b) not more than fourteen members who shall be Professional Engineers, five of whom shall be from a nomination list submitted by the Council of the Institution of Engineers (Malaysia);</p> <p>(c) one member on the nomination of the Board of Architects from among members of that Board established under the Architects Act 1967; and</p> <p>(d) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Quantity Surveyors Act 1967.</p>	<p>(e) At least 50% of the members of the Board shall be Professional Engineers with a Practising Certificate in force.</p>	<p><u>Composition of BEM</u> As the Act essentially regulates the engineering practice, this should be reflected in the composition of the Board such that at least 50% of the Board are Professional Engineers with Practising Certificate.</p>

## SECTION 4. Functions of the Board

EXISTING ACT Section 4	AMENDED ACT	EXPLANATION
<u>Functions of the Board</u>	<u>Amend and added to Section 4(1)(ed)</u>	
<p>4(1) The functions of the Board shall be –</p> <p>(ed) to appoint a committee consisting of persons to be determined by the Board, to conduct examinations or to cause examinations to be conducted by an institution recognized by the Board for the purpose of admission to the profession;</p>	<p>4(1) The functions of the Board shall be –</p> <p>(ed)(i) to appoint a committee consisting of persons to be determined by the Board, to conduct <b>the Professional Assessment Examination</b> or to cause the examination to be conducted by an institution recognized by the Board for the purpose of admission to the profession;</p> <p>(ed)(ii) to appoint a committee consisting of persons to be determined by the Board, to conduct the <b>Professional Competency Examination</b> for the purpose of issuing a <b>Practising Certificate to Professional Engineers.</b></p>	<p><u>Registration of the two-tier system of Professional Engineers by examinations</u></p> <p><b>BEM recognises the Professional Assessment Examination (PAE) directly for the purpose of registration of 1<sup>st</sup>. tier of Professional Engineers.</b></p> <p><b>Introduction of the 2<sup>nd</sup>. tier of registration of Professional Engineers through the Professional Competency Examination (PCE). The examination to be conducted by the BEM and not outsourced to other parties.</b></p>

# The Professional Competency Examination (PCE)

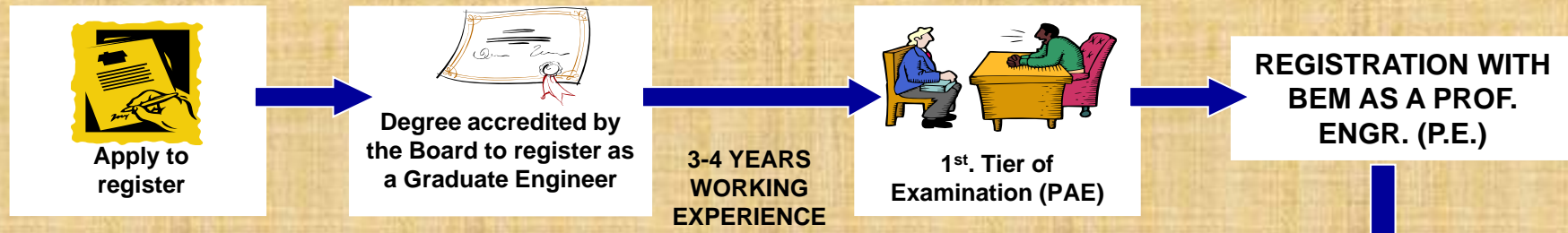
## The Professional Competency Examination that has been developed is for the Construction/Building Industry

- The PCE is meant for Professional Engineers in the engineering disciplines of Civil, Mechanical and Electrical as the Submitting Person under the Building Laws for BEM to issue a “license”.
- Approximately 90% of all Professional Engineers are registered under Civil, Mechanical & Electrical. However only a small fraction of the 90% (between 2,000 to 3,000) are ‘practising’ or wish to be the Submitting Person. The rest are employed in the Contracting, Sales, Employees of Consultants, Government, Academia, Maintenance etc.
- Those not involved as the Submitting Person need not sit for the PCE but still retain the title of “Ir.” through the “two-tier registration” system.
- The activities of Professional Engineers acting as the “Submitting Person” has a direct and critical impact on public safety and interest.

BEM is developing PCE for other engineering disciplines such as chemical, oil and gas, environmental, aeronautical, marine etc. ....

# THE ROUTE TO OBTAINING A 'LICENSE' I.E. A PRACTICING CERTIFICATE

**EXISTING 1<sup>st</sup> TIER OF EXAMINATION (PAE) RETAINED.**



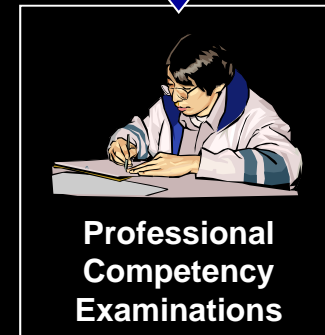
## Notes:

Registration with the BEM as a Graduate Engineer is straight-forward provided that conditions such as the basic qualifications are met (eg. Engineering degrees recognised under the Washington Accord).

Registration as a Professional with BEM after passing the 1<sup>st</sup>. tier examination (PAE). However if foreign professionals can demonstrate the same applies to their home countries BEM may consider them to be registered without sitting the 1<sup>st</sup>. tier of examination or at least undergo the interview process.

To 'practise' and supply professional engineering services BEM will issue licenses upon passing the Professional Competency Exams (PCE) i.e. the 2<sup>nd</sup>. tier of registration. This is mandatory for all professional engineers wishing to supply professional engineering services.

1-2 YEARS



**LICENSED TO SUBMIT  
PLANS UNDER THE  
BUILDING ACTS**

# Other Amendments

Title, registration of non-engineers etc .....

# Title to the Act

EXISTING ACT	AMENDED ACT	EXPLANATION
<u>Preamble to the Act</u>	<u>Amended for additional scope</u>	
<p>Registration of Engineers Act 1967 (Revised 2007)</p> <p>An Act to provide for the registration of engineers, and sole proprietorships, partnerships and bodies corporate providing professional engineering services and for purposes connected therewith.</p>	<p><b>Remain</b></p> <p>An Act to provide for the registration of engineers, and sole proprietorships, partnerships, bodies corporate providing professional engineering services, <b>engineering technologists works and inspection of works</b> and for purposes connected therewith.</p>	<p><u>Title of Act</u></p> <p>Although the Act is to include registration of persons related to engineering such as “Engineering Technologist” and “Inspector of Works” the name of the Act need not be changed.</p>

## Section 2. Interpretation

EXISTING ACT	AMENDED ACT	EXPLANATION
Section 2		
<u>Interpretation</u>	<u>Additional definition</u>	
<p>"professional engineering services" means engineering services and advice in connection with any feasibility study, planning, survey, design, construction, commissioning, operation, maintenance and management of engineering works or projects and includes any other engineering services approved by the Board;</p>	<p><b>"Engineering works" means include any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data;</b></p> <p><b>"Professional Engineer with a Practising Certificate in force" means a person registered under Section 10D;</b></p> <p><b>"Practising Certificate" means a certificate issued by the Board to a Professional Engineer under Section 10D.</b></p>	<p><u>Definitions</u></p> <p><b>The Act to state its purpose is to protect and safeguard public interest.</b></p> <p><b>A new entity added for the 2<sup>nd</sup>. tier of registration of Professional Engineers with Practising Certificates.</b></p> <p><b>The issuance of the "Practising Certificate by BEM is defined.</b></p>

## Section 5. Register

EXISTING ACT Section 5	AMENDED ACT	EXPLANATION
<u>Registrar expanded</u>	<u>Inclusion of other Persons</u>	
<p>5(1) The Register shall be in five Parts, that is to say –</p> <p>Part A - which shall contain the names, addresses and other particulars of Professional Engineers;</p> <p>Part B - which shall contain the names, addresses and other particulars of Graduate Engineers;</p> <p>Part C - which shall contain the names, addresses and other particulars of Temporary Engineers;</p> <p>Part D – which shall contain the names, addresses and other particulars of Engineering consultancy practices; and</p> <p>Part E - which shall contain the names, addresses and other particulars of Accredited Checkers.</p>	<p>Part C deleted</p> <p>and added</p> <p><b>Part F – which shall contain the names, addresses and other particulars of Professional Engineers with a Practising Certificate in force;</b></p> <p><b>Part G – which shall contain the names, addresses and other particulars of Engineering Technologist;</b></p> <p><b>Part H – which shall contain the names, addresses and other particulars of Inspector of Works.</b></p>	<p><u>Registration</u></p> <p><b>The Act is expanded to include registration of Professional Engineer with Practising Certificate, Engineering Technologist and Inspector of Works.</b></p>

# CONCLUSION

The Act has been amended .....

# **THE PROPOSED AMENDMENTS TO THE ENGINEERS ACT**

- **With progressive liberalization the proposed amendments will meet the time line of the AFAS threshold for foreign equity of 70% by 2015. The equity and composition are prescribed in the Regulations which will allow the Minister the flexibility to change it from time to time.**
- **The proposed amendments to the Registration of Engineers Act has been approved by the Minister of Works by October 2011.**
- **The draft Bill was submitted by BEM to the Legal Advisor of Kementerian Kerja Raya on the 25<sup>th</sup>. November 2011.**
- **The draft Bill has been vetted by the Legal Advisor of Kementerian Kerja Raya and subsequently submitted to the Attorney's General office on the 30<sup>th</sup>. January 2012.**
- **BEM is in the midst of operationalizing the Professional Competency Examination (PCE) for the registration of "Professional Engineers with Practising Certificate".**
- **BEM is currently amending the Regulations in relation to the amended Act.**

THANK YOU