

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 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 name of every person entitled to have his name entered in there as soon as is practicable after his being accepted by the board for registration showing against his name:-
- (a) date of entry
 - (b) name and postal address(es)
 - (c) qualifications
 - (d) registration number
 - (e) nationality (local or foreign)
 - (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
 - (k) any other particulars which the Board may direct.
- (2) Any 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, as soon as may be practicable after registration, the name, address and qualifications of each 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, as soon as conveniently after the first day of January in each year, a list containing the names, addresses and qualifications of all registered engineer remaining in the register at the close of the previous year.
- Publication prima-facie evidence of registration
9. (1) A publication under the provisions of sections 9 shall be prima facie evidence that the persons 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 person is not registered.
- (2) The Register, lists and all copies thereof or extracts there from which purport to have been certified under the hand of the Register, shall be receivable in all courts and tribunals or other bodies authorized to

receive evidence as prima facie evidence of the facts stated therein.

- (3) No process of law compelling the production of the register or any document kept by the Registrar shall issue from any court without the leave of that court and the process which is so 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:-
 - (a) to produce the register or any document if its contents can be proved under subsection (1); or
 - (b) to appear as a witness to prove any entry in the register, the matters recorded therein or any such document, unless the court for special course so orders.

Qualification
for
registration of
Engineers

- 10. (1) Subject to the provisions of the Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered engineer if he is:-
 - (a) a member of a institution of engineers, the membership of which is recognized by the Board as furnishing a sufficient guarantee of academic knowledge of, and practical experience in engineering; or
 - (b) a person who:—
 - (i) is a holder of a degree, diploma of a University or School of engineering or a holder of a professional license, either of which are recognized by the Board as furnishing in engineering; and
 - (ii) has had not less than three years practical experience of such a nature as to satisfy the Board as to his competence to practice as a professionally qualified engineer or has had practical training in engineering as may be approved by the Board provided that, not less than two years of the three years required by this sub-paragraph shall be after obtaining the degree, diploma or license specified in sub-paragraph (i);
 - (iii) has passed the prescribed examination or interview as the case may be, set by the Board.
- (2) 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 to the Board of the prescribed fee, to be registered under this

Act and to have his name entered in the register as a registered graduate engineer if he is a person to whom subsection (1) (b) (i) applies but is yet a person to whom either subsection (i) (a) or subsection (1) (b) (ii) applies.

- (3) Once a person has been registered as a registered graduate engineer under subsection (2), he shall be deemed for all purposes to have been accepted by the Board as being academically qualified for registration as a registered engineer and subsequent acceptance of his name for registration as a registered under section (1) (b) (i) as distinct from acceptance under the other provisions of subsection (1) shall not be challenged.
- (4) 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 to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered graduate technician 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 as furnishing evidence of a adequate academic training.
- (5) 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 to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered technician engineer if:-
 - (a) he is a holder of a higher diploma or an equivalent qualification in engineering obtained from an engineering polytechnic or college recognized by the Board as furnishing evidence of adequate academic training; and
 - (b) has had not less than three years practical experience of such a nature as to satisfy the Board as to his competence to practice as a registered technician engineer.
- (6) 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 to the Board of the prescribed fee, to be registered under this Act and to have his name entered as a registered consulting engineer in a particular classification and grade if:-
 - (a) he has practiced in a specialized engineering field as a registered engineer for a period determined by the Board; and
 - (c) he satisfied the Board as to his having achieved a standard of competence to enable him to practice as a consulting engineer in a particular specialization and grade.
- (7) In the case of a consulting firm:-

- (a) no person or body of persons shall be registered as a consulting engineer unless at least one of the partners or principals of the firm or company is registered with the Board;
 - (b) a consulting firm shall fulfil the conditions mentioned in subsection (6) (a) in the case of its key engineering personnel and any other conditions which may, from time to time, be prescribed by the Board.
- (8) 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

11. (1) Where a person satisfies the Board-
- (a) that he is not ordinarily resident in Tanzania;
 - (b) that 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) that 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.

- (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 shall require every 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 only for the period or for the duration of the work as is directed by the Board under subsection (1) and on its termination such person shall cease to be so 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 imitated 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 includes body of persons corporate or unincorporated.

Restriction on registration of non citizens and foreign consulting firms

12. (1) No person or body of persons not citizen of the United Republic shall be registered as a local consultant or consulting firms unless:-
- (a) in the case of a 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 United Republic.
- (2) If the conditions, stipulated in subsection (1) are not fulfilled, the person or company shall be registered as a foreign engineer, consultant or consulting firm as the case may be.
- (3) Any person or firm to be registered under this section shall possess qualifications specified in subsections (6) and (7) of section 10.

Restriction on private practice as an engineer

13. (1) No person other than a registered engineer shall engage in professional engineering work or services.
- (2) For the purposes of this section and section 14 of this Act. “professional engineering work” includes professional services consultation, investigation, evaluation, planning, designing or responsible supervision of construction or operation in connection with any public or privately owned public utilities, building, machines, equipment, processes works or projects where public interest and welfare, or the safeguarding of life, public healthy or property is concerned or involved, and that requires application of engineering principles and data: “professional engineering services” means consultancy or advisory services relating to any professional engineering work and includes selling or supplying for gain or reward any plan sketch, drawing design, specification or other document relating to professional engineering work.
- (3) A person shall be deemed not engaged in professional engineering work or services:-
- (a) if that person renders such services to his employer by whom he is employed under a contract of service on a full time basis; and
 - (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) No body of person whether corporate or unincorporate, shall carry on business as an engineer unless one of its partners, members or shareholders as the case may be, is a registered engineer.

- (5) Where a shareholder, partner or member of a body of persons, whether corporate or unincorporated, carrying on business as an engineer dies, that body of persons may, notwithstanding the provisions of subsection 4, continue to carry on the business until such time as the administration of the estate of deceased is completed as if the legal representatives were registered engineers.
- (6) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporate to be registered or as empowering the Registrar to register any body of persons as registered engineers.
- (7) Any person who carries on business as an engineer in contravention of this section, commits an offence and upon conviction is liable to fine of not less than five hundred thousands shillings, but not more than one million shillings, or imprisonment for a term of not more than five years or to both that fine and imprisonment.
- Restriction on employment of an engineer
14. (1) No person shall employ or continue to employ as a professional engineer any person who is not a registered engineer.
- (2) No person shall take up or continue in any employment as a professional engineer unless he is a registered engineer.
- (3) Any person who contravenes any provision of this section commits an offence and upon conviction is liable to a fine of no less than one million shillings; or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.
- (4) In this section 'employ' means employ under contract of service and 'employment' shall be construed accordingly.
- (5) Where an employer employs any person as a trainee engineer, or technician engineer this section shall not apply to that employer or that employee in relation to the employee's employment.
- (6) Where an employee is a foreigner, subsection (5) of this section shall not apply.