

THE ENGINEERS REGISTRATION ACT, 1997
CAP 63
REGULATIONS

—————
Made under Section 33
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THE ENGINEERS REGISTRATION REGULATIONS, 2009

PART 1

PRELIMINARY PROVISIONS

- Citation 1. These regulations may be cited as the Engineers Registration Regulations, 2009 and shall come into operation on the date of publication.
- Interpretation 2. In these Regulations unless the context requires otherwise-
“Act” means the Engineers Registration Act, 1997 and its subsequent amendment
“*Foreign engineer*” means a person who is an engineer but is not a citizen of Tanzania.

PART II

GENERAL PROVISIONS

- Application for registration 3 - (1) An application for registration shall:
- (a) be made in English and all translation of certificates and certifications shall be done by competent authorities;
 - (b) state the qualifications upon which the application is based and accompanied by certified copies of such certificates or other documents as are necessary to support those qualifications.
 - (c) be accompanied by the appropriate non-refundable fee as may be prescribed by the Board.

(2) The Board may at its discretion require original certificates or documents for authentication.

(3) An application for registration made under the Act shall be in the forms as prescribed by the Board and shall be accompanied by the fees prescribed under the Engineers Registration (Fees) Bylaws 2009.

Registration process

4. The process of registration shall be provided by the Board from time to time as shall be defined in the registration manual for each registration category.

Determination of application for registration

5. (1) An application for registration received by the Board shall be processed in accordance with the rules set by the Board.

(2) Applications which have not fulfilled the prerequisites for registration within one year of lodging shall become null and void.

(3) Subject to sub regulation (2) any applicant intending to be reconsidered shall submit fresh application

(4) All applications for registration which fulfil the prerequisites shall be decided upon by the Board within four months from the date of meeting the prerequisites.

(5) The Board may require an applicant for registration to furnish such further information or evidence of eligibility for registration as it may think fit, and may require the applicant to attend in person before the Board or sub-committee.

(6) The Board may reject the application of any person who fails to comply with a requirement made under these Regulations.

(7) The decision of the Board in relation to an application for registration shall be final and shall be communicated to the applicant by the Registrar using the address on the application form within fourteen working days from the date of the Board's decision.

Documents to accompany application for registration

6. For the purpose of registration, the applicant shall submit documents as prescribed by the Board.

Application for renewal of temporary registration	<p>7. (1) where a registration of a temporary registered engineer expires, the engineer shall be eligible for renewal of his registration upon submission to the Board an employment contract and filling a renewal application Form as prescribed by the Board and payment of the required fees</p> <p>(2) where the temporary registered engineer leaves the country for more than three consecutive years shall be required to make fresh application in a prescribed Form and payment of the required fees upon his return</p> <p>(3) subject to sub regulation (1) and (2), the applicant shall be re- registered if it is proved by the Board that he has maintained a good standing as an engineer and payment of the required fees upon his return</p> <p>(4) the evaluation of the application for renewal, shall be done as provided for in the registration manual</p>
Recognition of engineering training Institutions	<p>8. The Board shall recognise professional institutions of engineers and engineering training institutions assessed to be furnishing sufficient guarantee of academic knowledge and practical competence in engineering.</p>
Payment of annual fees	<p>9. (1) every engineer registered under the Act and these Regulations shall be required to pay annual fee to the Board of such amount as the Board may prescribe and such fee shall be due on 1st January of each Calendar year.</p> <p>(2) A person or firm whose application for registration has been approved after September 30th of a calendar year, shall pay an annual fee calculated as appropriate for that year of registration</p> <p>(3) where, by the end of April of each calendar year any person fails to pay annual fee for the current year, a penalty of 5% shall be imposed to the outstanding amount for every calendar month remains unpaid.</p> <p>(4) Failure to pay the annual fee in arrears for more than two years shall cause the Board to delete the name from the Register.</p>
Notice for payment of annual fee	<p>10. (1) The Board shall issue a notice for payment of annual fees to engineers in all categories, firms and technicians for the following year, three months before the end of calendar year.</p>

Registration Fee
and failure to pay

11. (1) A person whose registration has been approved by the Board and communication has been made using the indicated address on the application form shall have to pay the registration fees and other related fees as per the communication from the Board

(2) A person who fails to pay the registration fees and related fees within the period of two months from the date of notification shall be treated as if he has withdrawn the application.

(3) Subject to sub regulation (2) no subsequent application shall be considered before the expiry of six months from the date of which the previous application was approved unless, that person pays the fee and a fine of fifty percent of the current registration fee.

(4) Notwithstanding the provisions of sub regulation (3) the Board may consider an application before the expiry of the period of six months if it is satisfied that failure to pay the registration fee in respect of the approval was for sufficient cause or reasons.

Exemption from
payment of
annual fees

12. An Engineer or Technician aged above 60 years or who is in ill-health may be exempted from paying annual fees, upon application to the Board

Publication of
names of
registered and
deleted
Engineers and
revoked
practicing
certificates

13. (1) The Board shall as soon as may be practicable after the first day of January in each year publish in the Gazette and other Newspapers with wide circulation the names of all registered and deleted engineers in the previous year.

(2) The Board shall as soon as may be practicable publish the names of all registered and deleted engineers and revoke practicing certificates after each approval of the Board.

Engineer's
official rubber
stamp its use and
fees

14. (1) The Board shall issue an official rubber stamp to every Professional and Consulting Engineer registered under the Act and these Regulations for use when approving or certifying engineering documents such as design calculations, drawings, technical reports and for other similar documents.

(2) A certification given by a Professional Engineer shall, in addition to his signature and date, have the engineer's rubber stamp affixed.

(3) An approval given by a Consulting Engineer shall, in addition to his signature and date, have the engineer's rubber stamp affixed.

(4) A Professional or Consulting Engineer to whom an official rubber stamp is to be issued shall be required to pay a fee of such amount as the Board may prescribe.

(5) Subject to sub regulations (2) and (3) failure to use rubber stamps issued by the Board constitutes an offence and on conviction shall be liable to a fine as may be determined by the Board.

(6) An official rubber stamp issued to a person with temporary registration shall be valid for the period of registration and such validity shall be inscribed on the stamp.

Application for re-registration 15. Every person wishing to be re-registered as an Engineer or Technician under the Act and these Regulations shall make an application to the Board in appropriate application form upon fulfilment of conditions set by the Board.

Registration in a lower category 16. (1) Every person applying for registration in a particular category and not registered for not meeting the requirements for the category applied for, may, after notification by the Board and if so qualifies, be registered in a lower category.

(2) Subject to sub regulation (1) if a person agrees to apply for registration in a lower category, he shall be required to fill the relevant application form.

Registration Identity or Certificate 17. (1) Any person registered under the Act and these Regulations shall be issued with an Identity or Certificate as prescribed by the Board.

(2) The registration certificates shall be duly signed and sealed with the common seal of the Board.

(3) A registration certificate for an individual shall have the photograph of the bearer

Failure to comply with Regulations 18. The Board shall not consider the application of any person who fails to comply with any requirement made under these Regulations.

Registration of foreign engineers and engineering firms	19. All foreign engineers or firms shall register with the Board before starting engineering operations in Tanzania.
Engineering Job positions	20. All engineering job positions shall be occupied by registered engineers in relevant categories.
Practicing Certificates	<p>21. (1) The Professional Engineer, Consulting Engineer and Consulting Firm shall be required to possess Practising Certificates issued by the Board in addition to the registration certificates.</p> <p>(2) Every practising engineer shall carry the practising certificate identity card and submit to relevant authorities when required.</p>
Validation and Renewal of Practicing Certificate	<p>22. (1) The practising Certificates shall be valid for three years duration and shall expire on 31st December and shall contain an extract or other form as may be prescribed by the Board.</p> <p>(2) The Professional Engineer or Consulting Engineer shall apply for renewal of a Practising Certificate in a prescribed form.</p> <p>(3) Renewals of Practising Certificate shall be made in the month of January of the relevant Calendar Year.</p>
Deletion, Suspension, Revocation or Rejection	<p>23. (1) The Professional or Consulting Engineers whose names have been deleted from the register shall have their practicing certificates revoked forthwith</p> <p>(2) The Board may suspend, revoke or reject application for renewal of a practicing certificate for any of the following reasons:</p> <ul style="list-style-type: none"> (a) is in breach of the Code of Conduct and Ethics for Engineers as provided in these Regulations (b) has been suspended from practice. (c) has not fulfilled Continuing Professional Development requirements for a continuous period of three years. (d) is in default of fees (e) is insolvent (f) has been convicted for criminal offence for the past one year from the date of conviction

(g) is of unsound mind.

(3) The Board shall not suspend a Practising Certificate of any engineer unless an opportunity of being heard has been given to the concerned Engineer.

(4) The holder of practising certificate which has been revoked under sub regulation (1) shall return the practising certificate within one month from the date of revocation.

(5) Subject to sub regulation (4) failure to return the certificate within period specified constitute an offence and on conviction shall be liable to a fine as may be determined by the Board.

Loss of
Certificate or
License

24. (1) Where a Certificate of Registration or a Practising Certificate has been lost, destroyed, defaced or becomes obliterated the holder shall notify the Registrar immediately.

(2) Where a Registration Certificate or Practising Certificate has been defaced or become obliterated, no duplicate shall be issued unless the original is returned to the Registrar.

(3) A duplicate of an extract of a practicing certificate may be issued upon applicant's –

- (a) submission of a police loss report;
- (b) publication in the public media ;
- (c) payment of the prescribed fees.

Certificate to
remain
property of
the Board

25. A Registration Certificate and Practising Certificate shall remain the property of the Board and shall be returned to the Board when the holder is deleted from the register

Change of
Address

26. A Registered Engineer or Firm shall, within one month of any change of postal and physical address as entered in the Register, notify the Registrar of such change.

Engineers
Employment
Liaison Facility

27. (1) The Board shall establish an Engineering Employment Liaison Facility to facilitate and link engineers and Engineering Consulting Firms with prospective employers.

(2) The operational mode of the facility shall be determined by the Board.

PART III

REGISTRATION

- Registration of engineering Technicians
28. (1) A person wishing to be registered as an Engineering Technician shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe
- Registration of Graduate Incorporated Engineer
29. (1) A person wishing to be registered as a Graduate Incorporated Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.
- Registration of Graduate Engineer
30. (1) A person wishing to be registered as a Graduate Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.
- Registration of Incorporated Engineer
31. (1) A person wishing to be registered as an Incorporated Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.
- (2) a Graduate Incorporated Engineer applying for registration as Incorporated Engineer shall submit with application forms, proof in writing of his practical experience which shall include details of duration and the description of the practical experience obtained with an endorsement by the supervising Incorporated, Professional and Consulting Engineer that the applicant has satisfactorily acquired the practical experience.
- (3) Subject to sub-regulation (3) the required practical experience shall be in the form of a Practical Training Report written in accordance with the Engineers Registration Board guidelines
- (4) a graduate incorporated engineer who has successfully completed Structured Engineers Apprenticeship Programme shall be considered for registration as a incorporated engineer upon submission of:

- (a) dully filled relevant application form,
- (b)Engineers Registration Board Final Professional Training Report,
- (c) Engineers Registration Board Training Logbook and
- (d) Structured Engineers Apprenticeship Programme Completion Form

Registration of
Professional
Engineer

32. (1) A Graduate Engineer applying for registration as a professional engineer shall make an application to the Board in the form as prescribed by the Board and accompanied by a fee of such amount as the Board may prescribe

(2) Subject to the provisions of sub regulation (1), the applicant shall provide proof in writing of the practical experience which shall include details of duration and description of the practical experience obtained with an endorsement by the supervising Professional or Consulting Engineer in the case of experience obtained in Tanzania or by an engineer acceptable to the Board in the case of experience obtained outside Tanzania which certifies that the Graduate Engineer has satisfactorily acquired his practical experience.

(3) the practical experience that a Graduate Engineer is required to have acquired in order to be entitled to apply for registration as a professional engineer shall be carried out in a manner satisfactory to the Board and shall in any case be for a minimum period of three years for graduate engineers with Bachelors degrees in Engineering, two years for holders of Masters Degree in engineering and one year for holders of Ph.D. Degree in engineering.

(4) Subject to sub-regulation (3) the required practical experience shall be in the form of a Practical Training Report written in accordance with the Engineers Registration Board guidelines and shall include:

- (a) planning and design, engineering management and field experience,
or
- (b) a combination of engineering research or teaching in a course leading to a degree or diploma approved by the Board

(5) an Incorporated Engineer shall, on application to the Board, be considered for registration as a Professional Engineer if he has had a minimum of one year post registration experience as an Incorporated Engineer and either;

- (a) attempted and passed the Engineers Registration Board Part 2 Professional Examinations conducted by the Board; or
- (b) undergone and passed an examinable and additive post graduate course of at least one year duration; or

- (c) obtained a Masters Degree in the relevant discipline; or
 - (d) has other qualifications in other fields as may be determined by the Board as being commensurate with the field under which the candidate has applied for registration
- (6) a graduate engineer who has successfully completed Structured Engineers Apprenticeship Programme shall be considered for registration as a Professional engineer upon submission of:
- (a) dully filled relevant application form;
 - (b) Engineers Registration Board final Professional Training Report;
 - (c) Engineers Registration Board Training Logbook;
 - (d) Structured Engineers Apprenticeship Programme Completion Form.

Registration of
Temporary
Professional
Engineer

33. (1) A foreign engineer desirous of being temporarily registered as a professional engineer shall make an application to the Board in the form to be prescribed by the Board and accompanied by a fee of such amount as the Board may prescribe, and if he;
- (a) holds a Professional Membership that may enable him to practise as a Professional Engineer in his home or any other country, or
 - (b) he is registered as a Chartered Engineer; or
 - (c) submits an acceptable performance record of not less than five years before coming to Tanzania; in accordance with the Board guidelines, and
 - (d) submits evidence of personal involvement in at least three engineering projects in the last five years, and
 - (e) submits a contract of employment in Tanzania
 - (f) is less than seventy years old; and
 - (g) the applicant may be required to appear for Professional interview.
 - (h) submit certified copies of engineering degree certificate, and
 - (i) submit certified relevant pages of passport, and
- (2) All copies of documents submitted for the purpose of registration shall be, certified by the Board or a person approved by the Board.

Registration of
Graduate
Incorporated
Marine Engineer

34. Subject to the provisions of these Regulations, a person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a graduate Incorporated Marine Engineer if:

(a) he is a holder of an advanced diploma in engineering and has attained a minimum period of twenty one months of sea service; or

(b) he is a person who has passed a cadet course in marine engineering for at least eighteen months after 1994 and has attained a minimum period of twenty one months of sea service.

Registration of Graduate Marine Engineer 35. Subject to the provisions of these Regulations, a person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a Graduate Marine engineer if he is a holder of a degree in engineering and a Class Three Certificate of competency in marine engineering and has attained a minimum period of twenty one months of sea service.

Registration of Incorporated Marine Engineer 36. Subject to the provisions of these Regulations, 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 as a Incorporated Marine Engineer if:

(1) he is a holder of a Class Two Certificate of Competency in marine engineering and has passed written examination of Class One Certificate of Competency in marine engineering; or

(2) he is a person who graduated from the Dar es Salaam Maritime Institute before July, 1993 with Class Two Certificate of Competency in marine engineering but has not passed written examinations for Class One Certificate of Competency in marine engineering and has attained a minimum period of thirty six months of sea service.

Registration of Professional Marine Engineer 37. a person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a Professional Marine Engineer if he is:

(1) a member of an 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

(2) a holder of a Class One Certificate of Competency in Marine engineering; or

(3) a holder of a degree in engineering and a Class Two Certificate of competency in marine engineering and has attained sea service of at least thirty six months.

Registration of
Consulting
Engineer

38. (1) a person wishing to be registered as a Consulting Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, provided that the applicant has a practical experience of not less than three years as a registered Professional Engineer and has satisfied the Board as to his professional competency

(2) a professional Engineer applying for registration as a Consulting Engineer shall:

(a) have a minimum of three years post-registration proven experience in planning and design, management and field exposure in the field of specialization

(b) submit evidence of employment or engagement in an engineering consulting firm and

(c) attend a professional interview which will be conducted by the Board

Registration of
Temporary
Consulting
Engineer

39. every temporary professional engineer desirous of being temporarily registered as a Consulting Engineer shall:

(a) make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee of an amount as the Board may prescribe

(b) submit a proof of registration and performance record in his country of origin or domicile prior to coming to Tanzania

(c) submit valid employment contract in Tanzania

(d) submit certified copies of engineering degree certificate

(e) submit certified relevant pages of passport, and

(f) attend engineering professional interview conducted by the Board

Registration of Independent Consulting Engineer

40 (1) a person wishing to be registered as an Independent Consulting Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, and shall fulfil the following:

- (a) have a minimum of five years post registration as consulting engineer in the field of specialization applied for, or
- (b) have a minimum of fifteen years post-registration experience as a Professional Engineer out of which five consecutive years are in the field of specialization applied for, and have
- (c) a clean record of professional conduct and ethics as may be determined by the Board, and
- (d) satisfied the Board of his professional competency.

(2) notwithstanding other requirements as provided for under regulation 36 of these Regulations the applicant shall;

- (a) submit documentary evidence of permanent postal and physical address, and
- (b) submit three guarantors to be approved by the Board.
- (c) be a Tanzanian citizen
- (d) practice as provided under the rules made by the Board.

Registration of Local Engineering Consulting Firm

41. (1) a person or body of persons wishing to be registered as Local Engineering Consulting Firm shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, and shall submit:

- (a) copy of certificate of incorporation or compliance or registration of business name (sole proprietorship/partnership) extract from register of Registrar of Companies or act of establishment (parastatal/agencies), and
- (b) copy of current business license (if obtained), and
- (c) copy of office ownership/lease agreement, and
- (d) copy of documentary evidence on ownership of equipment and facilities, and
- (e) listing of owned reference books, code of practice, design manuals, engineering design software and

(f) curriculum vitae of key personnel sustaining the registration of the firm, and

(g) name of a consulting engineer in each of the fields of specialization applied for registration

(2) In every engineering discipline in which an Engineering Consulting firm is desirous of practising there shall be at least one registered Consulting Engineer working in that specialised discipline.

(3) the Board shall inspect' office premises of the applying firms from time to time to verify engineering capacity within the firm

(4) every engineering consulting firm shall have at least fifty one percent of shares held by consulting engineers who are Tanzanian citizens

(5) a firm whose application for registration as engineering consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe.

(6) subject to sub-regulation (5), after the expiry of the two months the firm shall pay the fee and a fine of fifty percent.

(7) the Board may require a local engineering consulting firm to submit evidence of paid up shares

Registration of
Foreign
Engineering
Consulting firms

42. (1) a person or body of persons wishing to be registered as Foreign Engineering Consulting Firm shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, and shall submit:

(a) copy of certificate of incorporation or compliance or registration of business name (sole proprietorship/partnership) extract from register of Registrar of Companies or act of establishment (parastatal/agencies), and

(b) company profile of previous consulting works

(c) copy of current annual returns filed with the Registrar of Companies (for new companies Article and Memorandum of Association), and

(d) Copy of current business license OR Evidence of Offer/Contract of engagement or business in Tanzania, and

(e) copy of office ownership/lease agreement, and

(f) copy of documentary evidence on ownership of equipment and facilities, and

- (g) listing of owned reference books, code of practice, design manuals, engineering design software and
- (h) curriculum vitae of key personnel sustaining the registration of the firm, and
- (i) name of a consulting engineer in each of the fields of specialization applied for registration
- (j) extract from the contract (for firms engaged in Government projects) showing equipment and facilities for the project availed to the consulting firm
- (k) Curriculum vitae of other engineering personnel engaged in the project

(2) In every engineering discipline in which an Engineering Consulting firm is desirous of practising there shall be at least one registered Consulting Engineer working in that specialised discipline.

(3) every engineering consulting firm shall have at least fifty one percent of shares held by consulting engineers who are non-Tanzanian citizens

(4) the Board may require a foreign engineering consulting firm to submit evidence of paid up shares

(5) an Engineering Consulting firm whose application for registration as Registered Engineering Consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe or pay registration fee and a fine of fifty percent of registration fee after expiry of the two months.

(6) a firm whose application for registration as engineering consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe.

(7) subject to sub-regulation (5), after the expiry of the two months the firm shall pay the fee and a fine of fifty percent.

Joint venture

43. Joint venture concept and other procurement arrangements shall be governed by the requirements of the Relevant written Laws of the land and rules prescribed by the Board

Categories of Engineering Consulting Firm	<p>44. (1) An Engineering Consulting Firm with more than fifty percent of its shares belonging to non-citizens shall be considered for registration as Foreign Engineering Consulting firm.</p> <p>(2) Every engineering consulting firm with at least fifty one percent of shares held by Tanzania citizens shall be considered for registration as local Engineering consulting firm.</p>
Conflict of interest/conditions of practice by Engineering Consulting Firms	<p>45. (1) The practice of Registered Engineers shall be in such a manner that it avoids conflict of interest as detailed in the Engineers Registration Board Code of Conduct and Ethics for Engineering Practice</p> <p>(2) Where a parastatal organisation or a government agency has capacity to offer Engineering Consultancy, the same shall establish a Consulting unit and register the unit with the Board.</p> <p>(3) In the organisation or agency where a registered unit offers Consultancy for a given project, the registered unit shall not provide goods, works or services related to the same project.</p> <p>(4) In the organisation or agency where an internal registered unit offers goods, works or services for a project, the unit shall not provide consulting services for the same project</p> <p>(5) A registered engineering consulting firm shall not offer services as a contracting firm.</p>
Procedure for Consulting Engineers shifting from one consulting firm to another	<p>46. (1) A Consulting Engineer intending to shift from one Engineering Consulting Firm to another shall report to the Board.</p> <p>(2) Subject to subregulation (1) where the Consulting Engineer shifting from the Firm is the only one in that discipline, the firm shall cease to offer Engineering Consulting services in that discipline.</p> <p>(3) A Consulting Firm receiving the shifting Consulting Engineer shall fulfil the conditions for registration of an Engineering Consulting Firm.</p>
Practice by independent consultant	<p>47. (1) Independent Consultant shall be allowed to offer engineering consultancy services to public and private sector as stipulated in other written laws or as may be prescribed by the Board.</p> <p>(2) The type of work to be undertaken by the independent consulting engineer shall be determined by the Board as provided for in the rules.</p>

PART IV

THE RESPONSIBILITIES OF ENGINEERS

Competence Descriptors	48. The roles and responsibilities of Engineers shall be governed by Baseline Competence Descriptors as provided for in the competence descriptors manual prepared by the Board
Code of conduct and ethics for engineers and engineering technician	49. All engineers and engineering technicians shall observe the Code of Conduct and Ethics as provided in First Schedule to these Regulations.
Mental incapacitation and ill-health	50. (1) Any Engineer or Technician who is proved to be mentally incapacitated or in ill-health shall not practice engineering until such a time proved otherwise by a competent authority. (2) Subject to sub regulation (1), such an Engineer or Technician shall be required to submit to the Board a medical report from a recognized medical practitioner.

PART V

MONITORING OF ENGINEERING ACTIVITIES

Powers to enter and inspect Engineering Sites and Premises	51. (1) the Board or any other person appointed by the Board shall at any time enter into a site or premise, for a purpose of inspecting and auditing the engineering works or services without prior notification. (2) Any person who denies entry by the Board or its agent to an engineering site or premises, run away from or obstructs any staff of the Board or its agent from performing his duty in any way commits an offence. (3) Any person without sufficient cause refuses to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him or omits to produce any documents in his possession or under his control commits an offence
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Procedures for
Monitoring

52. (1) monitoring of engineering activities and projects shall be carried out as provided for in the monitoring manual issued by the Board.

(2) In the absence of a responsible officer or representative at the engineering premises observations made by the Board or its agent shall be recorded.

(3) The responsible officer or representative shall within 48 hrs report to the Registrar to countersign the observations

(4) For all engineering premises where the inspection team has no access for reasons of closure, obstruction or any other reasons, a special notice as provided in the monitoring manual shall be posted at the entrance of the engineering premises

(5) During monitoring of engineering activities the inspection team shall be entitled to get any information regarding the works, which may include access to production standards, working drawings, taking photographs, videos, checking various permits, registration status of engineers and any other information deemed necessary.

(6) The owner or his representative shall be obliged to contact the Board through prescribed means, addressing the requirements of the notice and to make sure that the Board is contacted within seven days.

(7) All members of the inspection team shall register their names and sign in the visitors' book at engineering premises and in case of absence of a visitors' book, relevant prescribed Forms as provided in the monitoring manual shall be considered as a record of the visit.

Engagement of
engineering
professionals

53. (1) All professional engineering works or services as stipulated under Section 13(2) of the Act shall be undertaken by Professional Engineers.

(2) All Engineering Works or Services that require Consultancy Services shall be undertaken by Consulting Engineers or Engineering Consulting Firms.

(3) monitoring of engineering activities the inspections shall include both on-going and completed works.

(4) Any completed works found not in conformity with the professional standards and requirements, not environmentally friendly, a safety threat or posing danger to life and property shall constitute a professional misconduct under these Regulations.

(5) Responsible officer found at engineering premises shall countersign the respective monitoring checklist.

Obligation of the owner 54. (1) It shall be the responsibility of the Client, Financier, Promoter, and Developer, of any engineering work or service to provide evidence of having engaged the services of a Professional Engineer or Engineering Consulting Firm.

(2) The Board may issue a show cause notice to the owner or his representative.

(3) The owner or his representative shall be obliged to contact the Board through prescribed means, addressing the requirements of the show Cause notice and to make sure that the Board is contacted within seven days.

Engagement of Engineering Consultancy 55. The engagement of engineering consultancy services shall be in accordance with other written laws of the land and as provided for by these Regulations

Engineers Scale of Fees and Conditions of Engagement 56. (1) For the purpose of maintaining professional ethics and standards, the Board shall provide guiding scale of fees and conditions of engagement for engineering services

(2) Subject to sub-regulation (1), the fees for engineering services shall be construed as the minimum

Applications for Sticker and Site Instruction Book 57. (1) engineering consulting firms intending to supervise construction projects shall apply for Board's Sticker and Site Instruction Book by filling relevant prescribed forms for building projects and engineering projects.

(2) Successful applicants shall be issued stickers and Site Instruction Books upon payment of fees as prescribed by the Board

Use of Stickers 58. (1) Stickers shall be serially numbered and issued for specific projects and shall not be transferable.

(2) Engineering Consulting Firms shall paste Board's stickers on signboards of respective projects in each discipline they supervise

(3) In the event of loss or damage and where the Registrar is satisfied with the circumstances of the loss or damage, a new Sticker shall be issued after payment of prescribed amount.

Use of Site Instruction Books	<p>59. (1) All site instructions shall be issued in the Engineer’s Site Instructions Book issued by the Board.</p> <p>(2) All site instructions shall be issued by a Resident Engineer or a Project Engineer and received by a Site Agent or a Site Engineer.</p> <p>(3) Every stage of construction that requires approval by the Supervising Engineer at site shall necessitate issuance of site instructions.</p> <p>(4) Each Site Instruction Book shall be used for only one project and one field of specialization or engineering discipline.</p>
Monitoring documents	<p>60. (1) In order to expedite effective Monitoring of Engineering activities the Board or its appointee shall use Practicing Certificate as prescribed by the Board and but not limited to the following Monitoring documents as provided in the monitoring manual:</p> <ul style="list-style-type: none"> (a) Sticker (b) Special Notice (c) Site Instructions Book (d) Checklist for monitoring engineering activities (e) Notification of Offence, (f) Penalty Notice (g) Show Cause Notice (h) Stop Order
Issuing of Stop Order	<p>61. Stop Order shall be issued to on-going engineering works/project if the Board is satisfied that such works endanger or threaten life, property, environment or other public interests, or as may be determined by the Board</p>
Lifting of Stop order	<p>62. lifting of a Stop Order shall be carried out only upon Board’s satisfaction that corrective measures to address the conditions that necessitated the issuance of the Stop Order have been implemented.</p>
Engineering design calculations and drawings	<p>63. (1) All Engineering design calculations shall be prepared on standard calculation sheets, checked, initialled and stamped by a professional engineer or consulting engineer.</p>

(2) All Engineering design drawings shall bear a standard title block indicating the persons, who designed, checked and approved by initialling and stamping.

(3) Subject to sub-regulation (2) the approval shall be done by a Consulting Engineer.

(4) All Engineering design drawings approved as per the requirements under sub-regulation (2), shall be approved by relevant authorities before use at respective sites.

(5) Copies of the approved drawings shall be kept at the sites throughout the construction period of the project and should be made available to the Board when required.

(6) All Engineering designs shall be respected by all parties to the contracts or projects.

(7) In all Design and Build, Turnkey and other forms of contracts or projects, the Consulting engineer shall take the leading role in engineering design.

(8) All Engineering designs shall state categorically considerations made in the design with regard to the requirements of health, safety and environment.

(9) All alterations, revisions or updates made to the original designs shall be compiled throughout the execution of the contracts or projects and a set of as-built drawings prepared and made available for use during the maintenance period of the project and other follow-up activities.

Supervision of engineering works 64. (1) all engineering works shall have an Incorporated Engineer or Professional Engineer in the relevant field who shall be present at the site when works are in progress, depending on the nature, size, and complexity.

Signboards 65. (1) All engineering works shall have standard Signboards placed at conspicuous locations for easy visibility and readability to the public.

(2) The standard signboards posted with Engineers Registration Board Stickers at specified locations shall be erected and remain in position for the whole period of the project including defects liability period.

(3) The standard signboards shall be as provided for in the monitoring manual.

Engineering products and materials	<p>66. (1) All engineering materials, products and processes shall have their specifications and standards ascertained by relevant authorities.</p> <p>(2) The Board may at any time take samples of an engineering products and materials and test them in an accredited laboratory</p> <p>(3) subject to sub-regulation (2), where the engineering product/material fails test, the manufacturer, or supplier as the case may be shall be subjected to an inquiry by the Board.</p> <p>(4) The Board may perform its functions under this regulation in collaboration with any relevant institution.</p>
Administration of penalties	<p>67. (1) any person or body of persons, contravening these regulations, commits an offence and shall be liable to penalty</p> <p>(2) The administration of penalties shall be done as provided for under Second Schedule to these Regulations</p> <p>(3) There shall be a Default and Misconduct Register for recording the frequency of defaults and professional misconducts by the Engineers or Engineering Consulting Firms.</p>
Default score points	<p>68. (1) All Engineers and Engineering Consulting Firms shall have their defaults and professional misconduct registered in a Default Score Points register.</p> <p>(2) Depending on the frequency of defaults and professional misconducts, the Board may take any action including suspension or deletion of the Engineer or the Engineering consulting firm from the Register.</p> <p>(3) Threshold values and respective penalties shall be determined by the Board and as presented in the monitoring manual.</p>
Projects Register	<p>69. (1) There shall be a Projects Register for recording all engineering projects</p> <p>(2) it shall be the responsibility of the engineer to report to the Board on all the engineering projects he is involved in prior to commencement</p> <p>(3) The reporting of the engineering project for registration, shall be made in the format as may be provided by the Board from time to time</p> <p>(4) The Projects Register shall be used for Monitoring and as may be determined by the Board from time to time.</p>

PART VI
COMMITTEES OF THE BOARD

- Establishment of the Committees
70. (1) there shall be five committees of the Board as follows:
(a) the Executive Committee
(b) the Professional Conduct and Ethics Committee
(c) the Registration and Technical Affairs Committee
(d) the Professional Development Affairs Committee
(e) the Finance and Administration Committee
(2) the Board may form any other committees as may be deemed necessary
(3) The Board may establish rules for the conduct, composition, and procedures of the committees
- Co-option of the members
71. the Board shall appoint co-opted members who shall be registered professional engineers to serve in the committees

PART VII
INQUIRIES AND APPEALS

- Inquiries by the Board,
procedure to administer
evidence, etc.
72. (1) The Board may hold an inquiry into the professional conduct of a person or firm engaged in professional engineering works or services.
(2)A person or firm that violates the provisions of the Act shall be issued with a notice by the Board to show cause within fourteen days from the date of issue of such notice as to why the Board should not take legal action against that person or firm.
(3)A person or the owner of a firm being inquired into shall be allowed to submit any document which shall constitute evidence to be relied upon.
(4)Where a person has been summoned by the Board for an inquiry and does not appear without reasons acceptable to the Board, that person shall be deemed to have committed the offence against these Regulations.
(5)Subject to sub-regulation (4), the Board inquiry shall proceed and its decision shall be final.
(6)Upon proof by the Board, that such a person or firm has committed an offence against these Regulations, the Board may administer penalty or institute proceedings in the court of law against that person or firm.

Appeals against a decision of the Board, direction of the Board and appeals to the High Court

73. (1) A person who is aggrieved by a decision of the Board, may appeal to the Appeals Authority against the decision of the Board within 30 days from the date of decision.

(2) In such an appeal section 20 of the Act shall apply.

PART VII

MISCELLANEOUS PROVISIONS

Offences and Penalty

75. (1) any person or body of persons, contravening these regulations, commits an offence and shall be liable to penalty

(2) The penalties for offences shall be as provided for under Second Schedules to these Regulations

Savings

76. All acts done before the coming into effect of these Regulations shall be treated as lawfully done and the registrations shall continue to be valid until they are cancelled or otherwise rendered invalid under these Regulations.

Inspection fees

77. The inspection of the register or any other documents shall be done upon payment of an appropriate fee as may be determined by the Board.

Repeal of the Engineers Registration Regulations of 1999

78. The Engineers Registration Board Regulations 1999 and the Engineers Registration (Professional Examinations) Regulations, 1999 are repealed.

Dar es Salaam
....., 2009

Shukuru Jumanne Kawambwa
Minister for Infrastructure Development.