

A BILL

FOR

AN ACT TO AMEND THE ENGINEERS (REGISTRATION, ETC.) ACT, CAP. E11,
LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR OTHER RELATED
MATTERS, 2017

Sponsored by Hon. Toby Okechukwu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows-

- | | | |
|----|--|---------------------|
| 1 | 1. The Engineers (Registration, Etc.) Act, Laws of the Federation | Amendment of |
| 2 | of Nigeria, 2004, (hereinafter called the Principal Act) is amended as set out | the Engineers |
| 3 | in this Bill. | (Registration, Etc) |
| 4 | 2. The long title of the Principal Act is amended to read thus: | Act, Cap. E11, |
| 5 | "A Bill for an Act to Establish the Council for the Regulation of | LFN, 2004 |
| 6 | Engineering in Nigeria and to make Provisions for Other Matters Connected | Amendment of |
| 7 | Thereeto". | the Long Title |
| 8 | 3.-(i) The side note of the Principal Act is amended by substituting | Amendment of |
| 9 | the word "Registration" the word "Regulation". | Section 1 |
| 10 | (ii) Section 1 (1) (a), (b) and (c) is amended by substituting the | |
| 11 | word "Engineers" the words "Engineering Personnel". | |
| 12 | (iii) Section 1 (2) of the Principal Act is amended by striking out the | |
| 13 | words "from the Register of Engineers, that is". | |
| 14 | (iv) Section 1 (2)(g) of the Principal Act is amended by substituting | |
| 15 | the existing provision with new provision thus: "one person who shall be | |
| 16 | from the Armed Forces or Paramilitary in rotation, and" | |
| 17 | (v) Section 1 (2) of the Principal Act is amended by introducing a | |
| 18 | new section 1 (2)(i) as follows: | |
| 19 | "(I) One person appointed to represent Association for Consulting | |
| 20 | Engineering in Nigeria." | |

1 (vi) Section 1 (2) of the Principal Act is amended by introducing a new
2 section 1 (2) U) as follows:

3 "(i) One person appointed to represent Federation of Constructing
4 Industry."

5 (vii) Section 1 (2) of the Principal Act is amended by introducing a
6 new section 1 (2) (k) as follows:

7 "(k) One person appointed to represent Manufacturing Association of
8 Nigeria."

Amendment of
Section 2

9 4.-(i) Section 2(2) of the Principal Act is amended by substituting for
10 the existing provision, a new provision as follows:

11 "(2) The Council shall appoint a firm of Auditors to audit its records in
12 every financial year".

13 (ii) Section 2(3) of the Principal Act is amended by introducing new
14 section 2 (3) as follows:

15 "(3) The Council shall establish and maintain a fund from which there
16 shall be defrayed all expenditure incurred by the Council."

17 (iii) Section 2(3) (a) of the Principal Act is amended by introducing a
18 new section 2(3) (a) as follows:

19 "(a) Thirty percent of funds forfeited to Government by offenders
20 shall be paid to COREN for its operational cost".

Amendment
of Section 4

21 5. Section 4 of the Principal Act is amended by substituting the
22 existing provision, a new provision as follows:

23 (i) The existing Section 4(2) of the principal Act is substituted thus:

24 "(2) The Registrar is the Accounting Officer and is to see to the day to
25 day running of the Registry". The Registrar shall be appointed to be in office for
26 a term of three years and maybe re-appointed on one consecutive term of three
27 years only."

28 (ii) Section 4 of the Principal Act is amended by introducing a new
29 Section 4(3) as follows:

30 "(3) It shall be the duty of the Registrar to prepare and maintain, in

1 accordance with rules made by the Council under this section, registers as
2 appropriate of names, addresses and approved qualifications, and of such
3 other particulars as may be specified, of all persons who are entitled in
4 accordance with the provisions of this Act to be registered as registered
5 engineering personnel and who apply in the specified manner to be so
6 registered".

7 (iii) Section 4 of the Principal is amended by substituting for the
8 existing section 4(3), a new provision Section 4(3) thus:

9 "(3) The registers of Engineering Personnel and Firms (in this Act
10 referred to as "the Registers") shall consist of:

- 11 (a) Engineers;
- 12 (b) Engineering Technologists;
- 13 (c) Engineering Technicians; and
- 14 (d) Engineering Craftsmen;
- 15 (e) Engineering Consulting Firms;
- 16 (f) Engineering Firms".

17 (iv) Section 4 (4), of the Principal Act is amended by substituting
18 for the existing section 4(4), a new provision as follows:

19 "(4) Subject to the following provisions of this section, the Council
20 shall make rules with respect to the form and keeping of the registers and the
21 making of the entries therein, and the particulars:

22 (v) Section 4 of the Principal Act is amended by substituting for the
23 existing (4) (e), new provision:

24 "(e) Issuing of practice license and specification of period of
25 validity and the fees to be paid."

26 (vi) Section 4 of the Principal Act is amended by introducing new
27 subsection 4(4) (f) - (i) as follows:

28 "(f) Subject to this Act, a person shall not operate an engineering
29 firm or contracting company, unless there is a registered Nigerian
30 engineering practitioner in partnership, joint venture, or other permanent

1 association with that person;

2 (h) To remove from the relevant of registers engineering personnel or
3 firms, all particulars relating to firms or persons registered improperly out of
4 mis-information, expiration of resident permits etc.

5 (f) To remove who is after due inquiry adjudged by the Council to
6 have been guilty in his professional capacity of infamous conduct, gross
7 negligence or incompetence, or

8 (i) To remove who is convicted of any criminal offence which in the
9 opinion of the Council renders him unfit to practice".

10 (vii) Section 4(6) of the Principal Act is amended by substituting for
11 the existing provision, new provision as follows:

12 "(6) Upon appeal, Council may direct the Registrar to restore to the
13 appropriate part of the register any particulars removed there from under this
14 subsection".

Amendment
of Section 6

15 6.-(i) The side note of section 6 the Principal Act is amended to read
16 "Engineering Personnel";

17 (ii) Section 6(1) (f) and (g) of the Principal Act is amended by deleting
18 the existing provisions; and

19 (iii) Section 6 of the Principal Act IS amended by introducing new
20 Subsection (4) as follows:

21 "Registered Engineering Firms under this Act shall have their
22 practice licence renewed bi-annually subject to payment of prescribe
23 practicing fees".

Amendment of
Section 7

24 7. Section 7(2) of the Principal Act is amended as follows:

25 "(2) A registered engineering technologist shall use the abbreviation
26 "Engr. Tech" before his name".

Amendment of
Section 11

27 8. Section 11 of the Principal Act is amended as follows:

28 (i) By Substituting the word "Consultants" with the words
29 "Organizations performing Engineering Services and Works"; in the side
30 note."

1 (ii) Section 11 (1) of the Principal Act is amended by substituting
2 the words "annually all organizations performing engineering consultancy
3 services" with the words "all organizations performing engineering services
4 and works";

5 (iii) Section 11 (2) of the Principal Act is amended by substituting
6 the existing provision, a new provision thus:

7 "An organization performing engineering services and works shall
8 not put itself out, solicit for or offer engineering services to the public or
9 engage in engineering practice unless it is registered under this Act".

10 (iv) Section 11 (3) of the Principal Act is amended by Substituting
11 the existing provision, a new provision thus:

12 "(3) An engineering company or engineering unit or body seeking
13 to be registered shall apply to the Council in the prescribed format.

14 (v) Section 11 of the Principal Act by inserting new subsections (4)
15 and (5) as follows:

16 "(4) The Council may direct the Registrar to issue to the license
17 authorizing the applicant to carry on business on a prescribed fee if the
18 Council is satisfied that the applicant is fit to carry on engineering business.

19 (5) The business will be carried on by or under that of a registered
20 engineering practitioner".

21 9. Section 13(2), (a), (c) and (3) of the Principal Act is amended as
22 follows:

Amendment of
Section 13

23 "(2) (a) he shall have acquired during his employment practical
24 experience under the personal supervision and guidance of one or more
25 registered engineering personnel;

26 "(c) The manner in which he carried out the duties of his
27 employment and conduct during the period of his employment shall have
28 been satisfactory".

29 "(3) It shall be the duty of the employer, being a registered
30 engineering personnel, supervising the work of persons employed with a

1 view to obtaining a certificate of experience, to secure that the last-mentioned
2 person is afforded proper opportunities of acquiring the practical experience
3 required for the purposes of paragraph (a) of subsection (2) of this section".

Amendment of
Section 14

4 **10.** Section 14 of the Principal Act is amended by inserting the words
5 "Engineering Technologists" immediately after the word "Engineers".

Amendment of
Section 15

6 **11.** Section 15(1), (3) and (5) (a) of the Principal Act is amended by
7 substituting the word "Registered Engineers" with the words "Engineering"
8 where appearing therein.

Amendment of
Section 16

9 **12.** Section 16(1) (a) of the Principal Act is amended by substituting
10 the word "Engineers" with the words "Engineering".

Amendment of
Section 17

11 **13.** Section 17 of the Principal Act is amended as follows:

12 (i) Section 17(1) (a) of the Principal Act is amended as follows:

13 "(a) that he has been selected for employment for a specified period in
14 a capacity in which a person fully registered as an engineer or engineering
15 technologist under this Act would normally be employed and that he is or
16 intends to be in Nigeria temporarily for the purposes of serving for that period
17 in the employment in question, and"

18 (ii) Section 17(1) (b) and (5) of the Principal Act is amended by
19 substituting the word "engineer" appearing therein with the words
20 "Engineering Personnel".

Amendment of
Section 18

21 **14.**-(i) Section 18(1), (1) (b) and (2) (a) of the Principal Act is
22 amended by substituting the word "engineer" appearing therein with the words
23 "Engineering Personnel".

24 (ii) Section 18 (4),(5) and (6) of the Principal Act is amended by
25 substituting for the existing provisions, new provisions thus:

26 "(4) Any engineering personnel who have not paid his practicing fee
27 is guilty of an offence."

28 "(5) Any person or organization who offers engineering services and
29 works or charges a professional fee without a valid license issued by the

1 Council commits an offence and shall be liable of a fine five times the annual
2 fees."

3 "(6) Any organization not registered by the Council which offers
4 engineering services and works shall be guilty of an offence and on
5 conviction by the Engineering Tribunal shall forfeit all Proceeds of the
6 transaction to the Federal Government of Nigeria."

7 (iii) Section 18 of the Principal Act is amended by introducing new
8 sub sections (7), (8), (9), (10) and (11) as follows:

9 "(7) If the Registrar or any other person employed by the Council
10 willfully makes any falsification in any matter relating to the Register, he
11 shall be guilty of an offence."

12 "(8) A person guilty of an offence under section 18 (1) shall be
13 liable on conviction by the Engineering Tribunal shall forfeit all Proceeds of
14 the transaction to the Federal Government of Nigeria."

15 "(9) A person guilty of an offence under section 18 (2) shall be
16 liable on conviction by the Engineering Tribunal shall lose licence for a
17 minimum term of one year and maximum term of five years."

18 "(10) A person guilty of an offence under section 18 (3) shall be
19 liable on conviction by the COREN Engineering Tribunal to a fine not less
20 than N2,500,000.

21 "(11) A person guilty of an offence under section 18 (6) shall be
22 liable on conviction by the Engineering Tribunal shall lose licence for a
23 minimum term of one year and maximum term of five years and pay a fine
24 not less than N1,000,000."

25 15.-(i) Section 19(1) of the Principal Act is amended by
26 substituting the words "in the Armed Forces of the Federation" with the
27 words "in the Private Sector".

Amendment of
Section 19

28 (ii) Section 19 (3) of the Principal Act is amended by substituting
29 for the existing provision, a new provision as follows:

30 "It shall be the duty of any person in charge of any university,

1 polytechnic and college of education (technical) in the Federation, having
2 attached thereto a Faculty of Engineering, at which there is held a course of
3 training intended for persons who are seeking to become registered
4 engineering personnel under this Act, to furnish to the Registrar, not later than
5 the thirty- first day of March in every year, a list of the names, and of such other
6 particulars as the Council may by order specify, of all persons who graduated
7 any such course at the institution in question, at any time during the previous
8 year".

9 (iii) Section 19(4) of the Principal Act is amended by inserting "while
10 Private Sector includes all non-governmental organizations" after the words,
11 "State owned company".

Amendment of
Section 20

12 **16.** Section 20 of the Principal Act is amended by substituting the
13 word "engineering" with the words "Engineering Personnel".

Amendment of
Section 21

14 **17.** Section 21 of the Principal Act is amended by introducing new
15 subsections (2) and (3) and the existing section 21 is re-numbered section 21 (1);
16 thus:

17 (2) Establishment of Engineering Regulation Monitoring;

18 (a) There shall be Engineering Regulation Monitoring (hereafter in
19 this Act referred to as "ERM"), which shall be charged with the duties of
20 monitoring firms and ensuring that engineering is practiced in Nigeria in
21 accordance with relevant codes of engineering practice, in the protection of her
22 development and economic investment;

23 (b) ERM shall consist of personnel of all engineering cadres;

24 (c) The team shall have access to an engineering project site,
25 manufacturing, engineering education institution, or any site where
26 engineering is being practiced.

27 (3) In carrying out the functions as stated in section 21 (2) of this Act,
28 any manufacturing, engineering firm, construction companies or persons or
29 group of persons who obstructs, threaten violence to any member or on any
30 member commits an offence and shall be liable on conviction to a fine of

1 N2,000,000 in case of companies, firms and institutions and in the case of
2 persons N500,000 or 6 months in imprisonment".

3 18.-(i) Section 22 of the Principal Act IS amended introducing the
4 interpretations of the following:

Amendment of
Section 22

5 "practice of Engineering" includes any professional service or creative work
6 requiring the application of special knowledge of mathematics, physics,
7 chemistry, biology and engineering in form of consultation, invention,
8 discovery, valuation, research and teaching in recognized engineering
9 institutions; planning, operation, maintenance supervision of construction
10 and installation involving investigating, advising, operating, evaluating,
11 measuring, planning, designing, specifying, laying and directing,
12 constructing, commissioning, inspecting or testing in connection with any
13 public or private utilities, structures, buildings machines, equipment,
14 processes, works or projects and including oil and gas industry;

15 "professional misconduct" refers to when any person who is licensed under
16 this Act:

17 (a) deliberately fails to follow the standards of conduct and practice
18 of the engineering profession set by the Council;

19 (b) commits gross negligence in the conduct of his professional
20 duties;

21 (c) allows another person to practise in his name where the person:

22 (i) is not a holder of a licence;

23 (ii) is not in partnership with him;

24 (iii) takes advantages of a client by abusing position of trust,
25 expertise or authority;

26 (iv) lacks regards or concern for clients needs or rights; or

27 (v) shows incompetence or inability to render professional
28 engineering services or works.

29 (d) Knowingly submits a land survey, valuation or environmental
30 impact assessment document prepared by a person who is not licensed to

1 prepare such documents under any written law being in force;
2 "registered engineering personnel" means a person registered under the
3 various categories;
4 "registered engineering firm" means a firm registered under the various
5 categories;
6 "regulations" means regulations made by the Council;
7 "the Council" means the Council for the Regulation of Engineering in Nigeria
8 established by section 1 (1) of this Act;
9 "the Registrar" means the Person appointed in pursuance of section 4 of this
10 Act;

11 (ii) Section 22 of the Principal Act is amended by introducing new
12 22(2)(c) as follows:

13 "(c) "temporary registration" includes registration for non-Nigerian
14 engineering personnel".

Short Title

15 19. This Bill may be cited as the Engineers (Registration, Etc.) Act,
16 (Amendment) Bill, 2017.

17 SCHEDULES

18 FIRST SCHEDULE

19 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL QUALIFICATIONS 20 AND TENURE OF OFFICE OF MEMBERS

21 1. Paragraph 1 (1) of the Principal Act is hereby by substituting the
22 word "engineer" with the words "Engineering Personnel".

23 2. Paragraph 1 (2) of the Principal Act is amended by substituting the
24 words "the Nigerian Society of Engineer" with the words "Engineering
25 Associations".

26 3. Paragraph 1 (3) of the principal Act is deleted.

27 4. Paragraph 1 (5) of the Principal Act is amended by substituting the
28 word "cease" with the word "ceases".

29 5. Paragraph 1 (7) (a) of the Principal Act is amended by substituting
30 the word "Minister" with the word "Council".

1 6. Paragraph 1 (7) (b) of the Principal Act is amended by
2 substituting the word "appointed" with the word "Elected".

3 7. Paragraph 1 (7) of the Principal Act is amended by introducing a
4 new Sub-paragraphs (c) and (d) as follows:

 "(c) The President shall be elected to be in office for a term of three
years and maybe re-elected on one consecutive term of three years only;

 (d) There shall be one Vice-president from among the Council
member and whose job or duties shall be determine by Council members".

8. Paragraph 2(1) of the Principal Act is amended by substituting
the existing provisions, new Sub-paragraphs 2(1) (a) and (b) as follows:

 "(a) The Council under this Act shall have power to do anything
which in its opinion is calculated to facilitate the carrying on of its activities;

 (b) The Council under this Act shall have power to enter and
inspect sites".

9. Paragraph 2(4) of the Principal Act is amended by substituting
the word "eleven" with the figure and words "40% of Members of the
Council".

10. Paragraph 2(6) of the Principal Act is amended by inserting a
new Sub-paragraphs (2) as follows:

 "In the event of death, resignation or permanent incapacitation".

11. Paragraph 2(7) (2) of the Principal Act is amended by inserting
the word "is" after word "he".

SECOND SCHEDULE

1. The Heading of the Principal Act is amended by substituting the
word "Engineers" with the words "Engineering Personnel".

2. Paragraph 1 of the Principal Act is amended by substituting the
word "engineering" with the words "Engineering Personnel".

3. Paragraph 2(10) (a) of the Principal Act is amended by
substituting the word "relates" with the words "relate".

4. Paragraph 2(13) of the Principal Act is amended by deleting the

1 word "at" before the word "affidavits".

2 5. Paragraph 2(15) (3) of the Principal Act is amended by substituting
3 the word "council" with the word "counsel".

4 6. Paragraph 2(16) of the Principal Act is amended by substituting the
5 word "engineers" with the words "Engineering Personnel" in the interpretation
6 of "Chairman".

7 7. Paragraph 2(16) of the Principal Act is amended by substituting the
8 word "engineers" with the words "Engineering Personnel" in the interpretation
9 of "Complainant".

10 8. Paragraph 2(16) of the Principal Act is amended by substituting the
11 word "Registrar" with the words "Engineering Personnel" in the interpretation
12 of "Secretary".

13 **THIRD SCHEDULE**

14 1. Heading of the Principal Act is amended by substituting the word
15 "Engineers" with the words "Engineering Personnel".

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Engineers (Registration, etc.) Act, CAP. E11 Laws of the Federation, 2004 to introduce a new Register for Engineering Firms, amend to include Engineering Personnel, broaden the powers of the Council and its Registrar and the recognition of other Professional Bodies outside the Nigerian Society of Engineers to nominate representatives to the Council amongst others.