

A BILL

FOR

AN ACT TO AMEND THE ENGINEERS (REGISTRATION ETC.) ACT CAP E11
LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR OTHER MATTERS
CONNECTED THEREWITH, 2016

Sponsors:

Senator Ibrahim Gobir

Senator Barnabas Gemade

[] Commencement

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

1 1.-(1) The Engineers (Registration etc.) CAP E11 Laws of the
2 Federation of Nigeria 2004 (referred to as "the principal Act") is amended as
3 set out in this Act.

Amendment of
CAPE11
LFN 2004

4 (2) The Principal Act is amended by substituting the words"
5 Engineers" with the words" Engineering Personnel" except where it refers
6 to the Register of Engineers.

7 2. Section 1 of the principal Act is amended-

Amendment of
Section 1

8 (a) in subsection (1) by inserting a new paragraph (d) and (e) and
9 renumbering the existing paragraph (d) and (e) as paragraph (f) and (g) as
10 follows-

11 "(d) regulating Industrial Training schemes in Engineering for the
12 training of Engineering personnel;

13 (e) ensuring capacity building and monitoring local content
14 development in the Nigerian engineering industry through the following
15 means among others-

16 (i) mandatory attachment of Nigerians to expatriate engineers on
17 major projects to understudy them from inception;

18 (ii) ensuring that all foreign Engineering firms establish their

1 design offices in Nigeria;

2 (iii) granting of compulsory attestation to all expatriate quota
3 application that there are no qualified Nigerians for the jobs in question at the
4 time of the application; and

5 (iv) ensuring that such foreign engineering personnel granted work
6 permit first register with the Council for the Regulation of Engineering in
7 Nigeria before being allowed to practice in Nigeria."

8 (b) in subsection (2) by deleting paragraphs (f) and (g).

9 (c) in subsection (2) paragraph (b) by substituting for the existing
10 subsection a new subsection as follows-

11 "(2) (b) One person to be elected from each of the professionally
12 accredited institutes of the Nigerian society of Engineers as follows-

13 (i) The Nigerian Institution of Aeronautical Engineers;

14 (ii) The Nigerian Institution of Agricultural Engineers;

15 (iii) The Nigerian Institution of Civil Engineers;

16 (iv) The Nigerian Institution of Mechanical Engineers;

17 (v) The Nigerian Institution of Electrical & Electronics Engineers;

18 (vi) The Nigerian Geotechnical Association;

19 (vii) The Nigerian Institution of Structural Engineers;

20 (viii) The Nigerian Institution of Environmental Engineers;

21 (ix) The Nigerian Institution of Water Engineers;

22 (x) Institute of Appraisers and Cost Engineers;

23 (xi) Automotive Engineers Institute;

24 (xii) The Nigerian Institution of Industrial Engineers;

25 (xiii) The Nigerian Institution of Marine Engineers & Naval

26 Architects;

27 (xiv) The Nigerian Institution of Space Engineers;

28 (xv) Institute of Mining Engineers;

29 (xvi) The Nigerian Society of Chemical Engineers;

30 (xvii) Institution of Metallurgy & Materials;

1 (xiii) Institution of Transportation Engineers.

2 Subject to the provision of this Act, any other institute(s) accredited by the
3 Nigerian Society of Engineers in future shall automatically become a
4 member of the COREN Council."

5 3. Section 2 subsections (1) and (2) of the principal Act are
6 amended by replacing the word "Council" with the word "registrar" and the
7 word "Minister" with the word "Council".

Amendment of
Section 2

8 4. Section 3 subsection (3) of the principal Act is amended by
9 substituting for the existing subsection a new subsection as follows-

Amendment of
Section 3

10 "(3) The Council shall recommend to Government for necessary
11 incentives to industries providing adequate training facilities to Engineers,
12 Engineering Technologists, technicians and Craftsmen in Research and
13 Training."

14 5. Section 4 of the principal Act is amended-

Amendment of
Section 4

15 (a) (i) in subsection (3) by inserting after the word "personnel" the
16 words "and Engineering firms";

17 (ii) by substituting the word "four" with the word "five";

18 (iii) by inserting a new paragraph (e) as follows-

19 "(e) Engineering Firms."

20 (iv) by inserting a new subsection (3)(ii) as follows-

21 "(3)(ii) The registers of engineering personnel shall consist of two
22 parts one of which shall be in respect of fully registered persons and the
23 other in respect of provisionally registered persons."

24 (b) in subsection (4) by-

25 (i) inserting a new paragraph (e) and (f) as follows-

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

28 (ii) deleting paragraph (e) and inserting a new (f) as follows-

29 "(f) Subject to this Act, a person shall not operate an engineering
30 firm, unless there is a registered Nigerian engineering practitioner in

1 partnership, joint venture, or other permanent association with that person.”

2 (c) in subsection (5) by inserting a new paragraph (e) as follows-

3 “(e) Remove from the relevant registers Engineering firm or
4 Engineering Personnel all particulars relating to firm or persons registered
5 improperly out of mis- information, expiration of resident permits etc.”

6 (d) in subsection (6) by inserting a new paragraph (c) as follows-

7 “(c) Upon an appeal to the Council, the Council may direct the
8 Registrar to restore to appropriate part of the Register any particulars removed
9 therefrom under this section.”

Amendment of
Section 6

10 6. Section 6 of the principal Act is amended by-

11 (a) deleting paragraphs (f) and (g); and

12 (b) inserting a new subsection (4) as follows-

13 “(4) (a) Registered Engineering firms under this Act shall have their
14 practice license renewed triennially subject to payments of prescribe
15 practicing fees;

16 (b) Fully or provisionally registered persons shall have their practice
17 license renewed annually subject to payment of prescribe practicing fees.”

Amendment of
Section 7

18 7. Section 7 of the principal Act is amended in subsection (4) by
19 substituting the words "his full title with his trademark under his name"
20 immediately after the word "use" with the words "the abbreviation Engn
21 craftsman in brackets after his name" instead thereof.

Amendment of
Section 11

22 8. Section 11 subsection (1) of the principal Act is amended by-

23 (a) substituting for the existing subsection a new subsection as
24 follows-

25 “(1) The Council shall register triennially, all Engineering firms.”

26 (b) deleting all the words after the word "Council" after subsection
27 (3).

Amendment of
Section 13

28 9. Section 13 of the principal Act is amended in subsection (2) by
29 substituting for the existing paragraphs (a) (b) and (c) new paragraphs (a) (b)
30 and (c) as follows-

1 “(a) he shall have acquired during his employment, practical
2 experience under the personal supervision and guidance of one or more
3 registered Engineers in Engineering approved establishment;

4 (b) in the case of a Craftsman, he has completed a minimum of two
5 years working experience in his trade and submits an acceptable certificate
6 of experience; and

7 (c) the manner in which he carried out the duties of his employment
8 and his conduct during the period of his employment shall have been
9 satisfactory.”

10 10. Section 14 of the principal Act is deleted.

Deletion of
section 14

11 11. Section 16 of the Principal Act is amended in subsection-

Amendment of
Section 16

12 (a) (1) by deleting paragraph (d) and the word "or" after register in
13 (c).

14 (b) (2) by replacing the word "tills" with the word "this" wherever it
15 appears.

16 12. Section 17 of the Principal Act is amended in subsection (1)
17 paragraph (a) by inserting after the word "registered" the word "either" and
18 immediately after the word "engineer" the words "or engineering
19 technologist."

Amendment of
Section 17

20 13. Section 18 of the Principal Act is amended-

Amendment of
Section 18

21 (a) in subsection (3)(b) replacing the word "state)ent" with the
22 word "statement".

23 (b) by inserting a new subsection (4) as follows-

24 “(4) Any firm not registered by the Council, which offers
25 professional or Consultancy Services in Engineering shall be guilty of an
26 offence.”

27 (c) by renumbering the existing subsections (4), (5) and (6) as
28 subsections (5) (6) and (7);

29 (d) in subsection (6) paragraph (a) as renumbered by substituting in
30 line 2 the figure "N100" with the figure "N100 000.00”;

1 (e) in paragraph (b) by substituting for the figure "N1000" with the
2 figure "N200,000.00";

3 (f) by inserting immediately after subsection (7) as renumbered, the
4 following new subsection (8) as follows-

5 "(8) A firm guilty of an offence under this section shall be liable on
6 conviction in-

7 (a) any court of inferior jurisdiction, to a fine of N500,000.00; and

8 (b) High court, to a fine not exceeding N1,000,000.00."

Amendment of
Section 19

9 **14.** Section 19 of the Principal Act is amended in subsection-

10 (a) in subsection (1) by inserting immediately after the words "Armed
11 Forces of the Federation" the words "or the private sector"; and

12 (b) in subsection (4) by substituting the word "any Institution or
13 Corporation (Federal or State) or State-owned Institutions" with the words
14 "any Federal, State or Local Government-owned institutions while private
15 sector includes all Non-Governmental Organizations."

Amendment of
Section 20

16 **15.** Section 20 of the principal Act is amended by deleting the words
17 "rule of" and substituting for the word "avoided" the word "voided".

Amendment of
Section 22

18 **16.** Section 22 of the Principal Act is amended-

19 (a) by deleting the definition of the word "Minister" and redefining
20 the following words as follows-

21 "Minister" means the Minister of the Government of the Federation charged
22 with the responsibility for matters relating to Engineering profession
23 generally;

24 "Polytechnic" means a tertiary institution offering full time or part time course
25 in various disciplines which includes colleges of technology;

26 (b) by substituting the word "includes" in the interpretation of
27 "Practice of engineering" in line 1 with the words "actual performance in.

Amendment of
First Schedule

28 **17.-(1)** The First Schedule to the Principal Act is amended-

29 (a) in subsection (7) by deleting the word "appointing" and inserting
30 the word "electing" and also in paragraph (a) by deleting the word "Minister"

1 and replacing it with the word "Council".

2 (b) in subsection (7) by inserting new paragraphs (c) and (d) as
3 follows-

4 "(c) The president shall be elected to be in office for a term of two
5 years, and may be re-elected once only for a second final consecutive term of
6 two years;

7 (d) There shall be one Vice -President elected by the Council from
8 the register of engineers, and his duties and tenure shall be determined by the
9 Council."

10 (c) in paragraph (b) by replacing the word "appointed" in the third
11 line with the word "elected".

12 (2) The First Schedule to the Principal Act is further amended by-

13 (a) inserting new subsections (1),(2),(3) and (4) as follows-

14 "(1) The Council under this Act shall have the power to do anything
15 which in its opinion is calculated to facilitate the carrying out of its activities.

16 (2) Enter and inspect sites where construction, installation,
17 erection, alteration, renovation maintenance, processing or manufacturing
18 works are in progress for the purpose of verifying that-

19 (a) Professional engineering services and works are undertaken by
20 registered persons under this Act;

21 (b) Professional engineering works services and goods are
22 rendered by professional engineers;

23 (c) Where any deviation arises in respect to paragraphs (a) and (b)
24 instruct, direct or order the suspension of any professional engineering
25 services works, projects, and installation process or any other engineering
26 works which are done without meeting the set out standards."

27 (3) The Council shall have the power to borrow money or to
28 dispose of any property and shall have power to pay remuneration
29 (including pensions) allowances or expenses to any member ,officer or
30 servant of the Council, to any person.

1 “(4) Where any conflict arises between the provisions of this section
2 and the provisions of any other written law for the time being in force, the
3 provisions of this section shall prevail.

4 Provided it is not in conflict with provision of Constitution of the Federal
5 Republic of Nigeria.”

6 18. This Bill may be cited as the Engineering (Registration etc.) Act
7 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This bill seeks to amend the engineers (registration, etc) Act Cap E11 laws of the Federation of Nigeria 2004. To introduce a new 5th register for the registered Engineering firms, broaden the powers of the Council and its registers and the recognition of other professional bodies outside the Nigerian Society of engineers and also to make COREN independent of Government supervision as a professional regulatory body.